

# ALABAMA SENTENCING COMMISSION

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## **Initial Voluntary Sentencing Standards & Worksheets**

Approved by the Legislature - Act 2006-312  
Effective October 1, 2006

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Ladies and Gentlemen:

The major component of the Alabama Sentencing Commission's reform efforts, voluntary sentencing standards, has now been approved by the Legislature and will go into effect October 1<sup>st</sup> of this year. These standards were developed to eliminate unwarranted disparity in sentences, while maintaining meaningful judicial discretion. They are voluntary and nonappealable sentencing recommendations for 26 of the most frequent non-capital crimes of conviction. Although the standards are voluntary, we expect that they will provide judges with the information needed for informed sentencing decisions and will be followed in at least 75% of the cases.

The Commission has scheduled twelve 2-day regional workshops throughout the spring and summer months to familiarize judges, prosecutors, lawyers, clerks, community corrections directors and staff, probation and parole officers, and the general public with the standards and to provide an opportunity for hands-on experience with completing the worksheets and applying the standards. Our staff also expects to visit individual judicial circuits, upon request, and provide educational training on the completion of the worksheets and utilization of the standards.

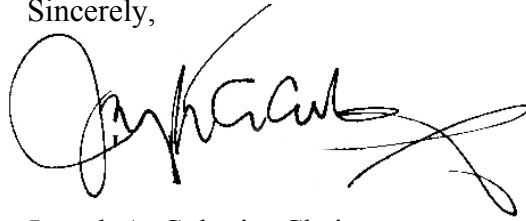
Thank you for taking the time to attend one of the Sentencing Commission's regional seminars to learn about the new sentencing standards and the Commission's reform efforts. Through implementation of the sentencing standards and continued support from the bench and bar, we expect to achieve many of the Commission's goals, i.e., elimination of unwarranted sentencing disparity, utilization of a continuum of sanctions, and a reduction of the prison population, all without jeopardizing public safety.

We appreciate your continued support and interest in the work of the Alabama Sentencing Commission. Please advise the other judges, prosecutors and lawyers in your circuit of our work. Copies of our 2006 report to the Legislature and our other publications are now on our website and can be viewed and downloaded from <http://sentencingcommission.alacourt.gov>. If you have any questions or need our assistance, please do not hesitate to call on me or members of our

staff. We also would like for you to provide us with your comments and recommendations regarding the new sentencing standards and worksheets.

We hope you share our enthusiasm for the sentence reform efforts in progress in Alabama. Throughout the process, we have sought, and will continue to seek, input from all interested parties on every aspect of this important undertaking. I hope you leave this workshop with a greater knowledge of our efforts and with a willingness to join the Commission in pursuing sentence reform by utilizing these initial sentencing standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Colquitt', with a large circular flourish on the left and a long horizontal stroke extending to the right.

Joseph A. Colquitt, Chair  
Alabama Sentencing Commission

JAC/lf

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1 SB231  
2 78966-7  
3 By Senator Smitherman  
4 RFD: Judiciary  
5 First Read: 12-JAN-06

**ACT No. 2006- 3/2**



SB231

ENROLLED, An Act,

To adopt the initial voluntary sentencing standards of the Alabama Sentencing Commission and to amend Section 12-25-34 of the Code of Alabama 1975, to extend the time for the presentation of additional truth-in-sentencing standards to the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds the Alabama Sentencing Commission has followed the directives of the Legislature in the Sentence Reform Act of 2003, Article 2 (commencing at Section 12-25-30), Chapter 25, Title 12, Code of Alabama 1975, to develop and recommend to the Legislature a discretionary sentencing structure designed to protect public safety by providing a fair, effective, and efficient criminal sentencing system for this state by doing all of the following:

(1) By developing a system of statewide voluntary sentencing standards and worksheets for use in felony cases for 26 felony offenses representing 87 percent of all felony convictions in Alabama over a five-year period.

(2) By taking into account historical sentencing data concerning time imposed and other factors that, after

1 analysis of historical data, appear to be relevant in  
2 determining both the duration and disposition of sentences in  
3 the applicable felony cases.

4 (3) By basing the voluntary sentencing standards on  
5 historical sentencing practices adjusted to achieve sentencing  
6 goals as established in Rule 26 of the Alabama Rules of  
7 Criminal Procedure and Section 12-25-31, Code of Alabama 1975.

8 (b) The Legislature further recognizes that the  
9 development of voluntary sentencing standards by the Alabama  
10 Sentencing Commission is and should be a continuous process  
11 and the Alabama Sentencing Commission has been directed to  
12 continue the development of the voluntary sentencing standards  
13 recommendations by collecting and analyzing sentencing data  
14 and incorporating a continuum of punishment options, as  
15 required by subdivision (1) of Section 12-25-33, Code of  
16 Alabama 1975, and by identifying, testing, and recommending  
17 modifications of the initial voluntary sentencing standards  
18 and worksheets as may be necessary to accomplish the purposes  
19 and goals set out in Article 2, Chapter 25, Title 12, Code of  
20 Alabama 1975, and Rule 26 of the Alabama Rules of Criminal  
21 Procedure.

22 Section 2. The initial voluntary sentencing  
23 standards and the accompanying worksheets and instructions, as  
24 adopted by the Sentencing Commission on September 30, 2005,  
25 and filed with the Clerk of the Supreme Court, the Secretary

1 of the Senate, and the Clerk of the House of Representatives,  
2 are approved for implementation effective on October 1, 2006,  
3 under the terms and conditions set out in Sections 12-25-34  
4 and 12-25-35, Code of Alabama 1975; provided however, that  
5 these standards shall not apply to any sex offense involving a  
6 victim under the age of 12.

7 Section 3. Section 12-25-34 of the Code of Alabama  
8 1975, is amended to read as follows:

9 "\$12-25-34.

10 "(a) Statewide voluntary sentencing standards shall  
11 be developed and presented to the Legislature in stages over a  
12 three-year period as follows:

13 "(1) By July 31, 2003, the commission shall develop  
14 and distribute to all sentencing judges a reference manual  
15 analyzing historical sentencing practices by duration of  
16 sentence and disposition of felony offenders in Alabama. The  
17 reference manual shall indicate those types of offenders  
18 historically most likely to be sentenced to punishments other  
19 than active incarceration where alternatives to active  
20 incarceration are available.

21 "(2) Concurrently with the development and  
22 distribution of the reference manual, the commission shall  
23 develop and begin testing worksheets and voluntary sentencing  
24 standards in selected circuits for selected felony offenses.



1           "(3) The commission shall develop and present the  
2     initial voluntary sentencing standards to the Legislature  
3     before or during the 2006 Regular Session. These standards  
4     shall be introduced in the 2006 Regular Session and shall  
5     become effective on October 1 following the 2006 Regular  
6     Session, if approved by an act of the Legislature passed  
7     during that session. The initial voluntary sentencing  
8     standards based on sentences imposed shall apply to  
9     convictions for felony offenses sentenced on or after the  
10    effective date of this act and committed before the effective  
11    date of the voluntary truth-in-sentencing standards.

12           "(4) The commission shall develop and present  
13    voluntary truth-in-sentencing standards to the Legislature  
14    before or during the 2009 Regular Session. These standards  
15    shall be introduced in the 2009 Regular Session and shall  
16    become effective on October 1 following the 2009 Regular  
17    Session, if approved by an act of the Legislature passed  
18    during that session. The voluntary truth-in-sentencing  
19    standards shall apply only to felony offenses committed on or  
20    after the effective date of these standards.

21           "(b) Recommended sentence ranges shall be  
22    established by standards that are based on historical  
23    sentencing practices, adjusted to achieve sentencing goals as  
24    established in Rule 26 of the Alabama Rules of Criminal  
25    Procedure, this chapter, and Section 12-25-31.

1           "(c) Voluntary sentencing standards shall take into  
2 account and include statewide historically based sentence  
3 ranges, including all applicable statutory minimums and  
4 sentence enhancement provisions, including the Habitual Felony  
5 Offender Act, with adjustments made to reflect current  
6 sentencing policies. No additional penalties pursuant to any  
7 sentence enhancement statute shall apply to sentences imposed  
8 based on the voluntary sentencing standards.

9           "(d) After adoption of the initial voluntary  
10 standards and the voluntary truth-in-sentencing standards, any  
11 modifications made by the commission shall be contained in the  
12 annual report presented to the Governor, the Legislature, the  
13 Chief Justice, and the Attorney General. An annual report  
14 containing proposed modifications shall be presented to the  
15 Governor, the Legislature, the Chief Justice, and the Attorney  
16 General before or during each regular session of the  
17 Legislature. The modifications shall be introduced during that  
18 regular session and shall become effective on October 1  
19 following the legislative session in which the modifications  
20 were introduced, if approved by an act of the Legislature  
21 passed during the legislative session in which the  
22 modifications were introduced."

23           Section 4. All laws or parts of laws which conflict  
24 with this act are repealed.

1                   Section 5. This act shall become effective on  
2   October 1, 2006.

*Lacy Baxley*

President and Presiding Officer of the Senate

*Adam L. Smith*

Speaker of the House of Representatives

SB231

Senate 07-FEB-06

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee  
Secretary

House of Representatives  
Amended and passed 30-MAR-06

Senate concurred in House amendment 30-MAR-06

By: Senator Smitherman

APPROVED April 5, 2006

TIME 11:20 a.m.

*Bob Riley*  
GOVERNOR

Alabama Secretary of State

Mr. Adam L. Smith  
2000 10th Ave. S.W.  
Birmingham, AL 35204

rec'd: 04/05/06 10:00 AM

## ALABAMA SENTENCING REFORM ACT

### § 12-25-30. Short title.

This article shall be known and may be cited as the Alabama Sentencing Reform Act of 2003. (Act 2003-354, p. 948, § 1.)

### § 12-25-31. Statement of purpose.

(a) It is essential that Alabama manage its criminal justice system in the manner best able to protect public safety and make the most effective and efficient use of correctional resources. Based on the findings and recommendations of the Alabama Sentencing Commission, the Legislature finds that all of the following are necessary to protect public safety by providing a fair, effective, and efficient criminal justice system:

(1) Voluntary sentencing standards used to guide judicial decision makers in determining the most appropriate sentence for convicted felony offenders.

(2) The abolition of traditional parole and good time credits for convicted felons.

(3) The availability of a continuum of punishment options.

(b) The Legislature further finds, based on the findings and recommendations of the sentencing commission, that subdivisions (1) to (3), inclusive, of subsection (a) are necessary to best achieve all of the following goals:

(1) Incapacitating through incarceration the most dangerous and violent offenders in the state.

(2) Eliminating unwarranted disparity in sentencing.

(3) Assuring truth-in-sentencing.

(4) Providing the most effective use of correctional resources.

(5) Assuring the greatest opportunity for victim restitution.

(6) Protecting against prison and jail overcrowding.

(7) Maintaining meaningful judicial discretion.

(Act 2003-354, p. 948, § 2.)

### § 12-25-32. Definitions.

For the purposes of this article, the following terms have the following meanings:

(1) COMMISSION. The Alabama Sentencing Commission, established as a state agency under the Supreme Court by this chapter.

(2) CONTINUUM OF PUNISHMENTS. An array of punishment options, from probation to incarceration, graduated in restrictiveness according to the degree of supervision of the offender including, but not limited to, all of the following:

a. Active incarceration. A sentence, other than an intermediate punishment or unsupervised probation, that requires an offender to serve a sentence of imprisonment. The term includes time served in a work release program operated as a custody option by the Alabama Department of Corrections or in the Supervised Intensive Restitution program of the Department of Corrections pursuant to Article 7, commencing with Section 15-18-110, of Chapter 18 of Title 15.

b. Intermediate punishment. A sentence that may include assignment to any community based punishment program or may include probation with conditions or probation in conjunction with a period of confinement. Intermediate punishments include, but are not limited to, all of the following options:

1. A split sentence pursuant to Section 15-18-8.

2. Assignment to a community punishment and corrections program pursuant to the Alabama Community Punishment and Corrections Act or local acts.

3. Assignment to a community based manual labor work program pursuant to Sections 14-5-30 to 14-5-37, inclusive.

4. Intensive probation supervision pursuant to Section 15-22-56.

5. Cognitive and behavioral training.

6. Community service work.

7. County probation.

8. Day fines or means-based fines.

9. Day reporting.

10. Drug or alcohol testing.

11. Drug court programs.
12. Educational programs.
13. Electronic monitoring.
14. Home confinement or house arrest.
15. Ignition interlock.
16. Intermittent confinement.
17. Jail and prison diversion programs.
18. Job readiness and work.
19. Literacy and basic learning.
20. Pretrial diversion programs.
21. Residential drug treatment.
22. Residential community based punishment programs in which the offender is required to spend at least eight hours per day, or overnight, within a facility and is required to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at the residential facility or at another specified location.
23. Restorative justice.
  - (i) Victim impact panels.
  - (ii) Voluntary victim offender conferencing.
  - (iii) Voluntary victim offender mediation.
24. Self-help groups.
25. Sobriety or breath alcohol remote monitoring.
26. Substance abuse education and treatment.
27. Treatment alternatives to street crime (TASC).
28. Voice recognition, curfew restriction, or employment monitoring.
29. Work release, other than those work release programs operated by the Alabama Department of Corrections, as a custody option.
- c. Unsupervised probation. A sentence in a criminal case that includes a period of probation but does not include supervision, active incarceration, or an intermediate punishment.
- d. Post-release supervision. A mandatory period of supervision following sentences of active incarceration as defined in paragraph a. that may include one or more intermediate punishment options.
- (3) COURT. Unless otherwise stated, a district or circuit court exercising jurisdiction to sentence felony offenders.
- (4) FELONY OFFENSE. A noncapital felony offense.

#### (5) INITIAL VOLUNTARY STANDARDS.

The voluntary sentencing standards that become effective on October 1, 2004. These standards shall be based on statewide historic sentences imposed with normative adjustments designed to reflect current sentencing policies.

(6) NONVIOLENT OFFENDER. Any offender who does not qualify as a violent offender pursuant to subdivision (12).

(7) OFFENDER. A person convicted of a noncapital felony offense.

(8) RELEASE AUTHORITY. Any public official, agency, or other entity authorized by law to release a sentenced offender from incarceration or other conditions of a sentence.

(9) RISK ASSESSMENT. An instrument designed to assess an offender's relative risk for reoffending.

(10) TRUTH-IN-SENTENCING STANDARDS. The voluntary sentencing standards that become effective October 1, 2006. These standards shall be based on statewide historic time served for offenses with adjustments designed by the commission to reflect current sentencing policies. (Delayed until October 1, 2009 by Act 2006-312. See § 12-25-34, page 14.)

(11) UNDER SUPERVISION. All offenders under the supervision of any criminal justice agency or program including, but not limited to, any of the following entities:

- a. The Alabama Department of Corrections.
- b. State or county probation offices.
- c. Community corrections programs pursuant to Alabama Community Corrections Act.
- d. Jails.
- e. State or local law enforcement agencies.
- f. Any court.

(12) VIOLENT OFFENDER. A violent offender is an offender who has been convicted of a violent offense, or who is determined by the trial court judge or a release authority to have demonstrated a propensity for violence, aggression, or weapons related behavior based on the criminal history or behavior of the offender while under supervision of any criminal justice system agency or entity.

(13) VIOLENT OFFENSE.

a. For the purposes of this article, a violent offense includes each of the following offenses, or any substantially similar offense to those listed in this subdivision created after June 20, 2003:

1. Capital murder pursuant to Section 13A-6-2 and 13A-5-40.
2. Murder pursuant to Section 13A-6-2.
3. Manslaughter pursuant to Section 13A-6-3.
4. Criminally negligent homicide pursuant to Section 13A-6-4.
5. Assault I pursuant to Section 13A-6-20.
6. Assault II pursuant to Section 13A-6-21.
7. Compelling street gang membership pursuant to Section 13A-6-26.
8. Kidnapping I pursuant to Section 13A-6-43.
9. Kidnapping II pursuant to Section 13A-6-44.
10. Rape I pursuant to Section 13A-6-61.
11. Rape II pursuant to Section 13A-6-62.
12. Sodomy I pursuant to Section 13A-6-63.
13. Sodomy II pursuant to Section 13A-6-64.
14. Sexual torture pursuant to Section 13A-6-65.1.
15. Sexual abuse I pursuant to Section 13A-6-66.
16. Enticing a child to enter a vehicle for immoral purposes pursuant to Section 13A-6-69.
17. Stalking pursuant to Section 13A-6-90.
18. Aggravated stalking pursuant to Section 13A-6-91.
19. Soliciting a child by computer pursuant to Section 13A-6-110.
20. Domestic violence I pursuant to Section 13A-6-130.
21. Domestic violence II pursuant to Section 13A-6-131.
22. Burglary I pursuant to Section 13A-7-5, unless the offender enters the dwelling without a weapon or other dangerous instrument and does not use or threaten to use a weapon or dangerous instrument against another person during the commission of the offense.
23. Burglary II pursuant to subsection (a) of Section 13A-7-6.
24. Burglary III pursuant to Section 13A-7-7, if the intent is to commit a violent offense.
25. Arson I pursuant to Section 13A-7-41.
26. Criminal possession of explosives pursuant to Section 13A-7-44.
27. Extortion I pursuant to Section 13A-8-14.
28. Robbery I pursuant to Section 13A-8-41.
29. Robbery II pursuant to Section 13A-8-42.
30. Robbery III pursuant to Section 13A-8-43.
31. Pharmacy robbery pursuant to Section 13A-8-51.
32. Terrorist threats pursuant to Section 13A-10-15.
33. Escape I pursuant to Section 13A-10-31.
34. Promoting prison contraband I pursuant to Section 13A-10-36, involving a deadly weapon or dangerous instrument.
35. Intimidating a witness pursuant to Section 13A-10-123.
36. Intimidating a juror pursuant to Section 13A-10-127.
37. Treason pursuant to Section 13A-11-2.
38. Discharging a weapon into an occupied building, dwelling, automobile, etc., pursuant to Section 13A-11-61.
39. Promoting prostitution I pursuant to Section 13A-12-111.
40. Production of obscene matter involving a minor pursuant to Section 13A-12-197.

41. Trafficking pursuant to Section 13A-12-231.
  42. Child abuse pursuant to Section 26-15-3.
  43. Elder abuse pursuant to Section 38-9-7.
  44. Terrorism pursuant to Section 13A-10-152.
  45. Hindering prosecution for terrorism pursuant to Section 13A-10-154.
  46. Any substantially similar offense for which an Alabama offender has been convicted under prior Alabama law or the law of any other state, the District of Columbia, the United States, or any of the territories of the United States.
- b. The basis for defining these offenses as violent is that each offense meets at least one of the following criteria:
1. Has as an element, the use, attempted use, or threatened use of a deadly weapon or dangerous instrument or physical force against the person of another.
  2. Involves a substantial risk of physical injury against the person of another.
  3. Is a nonconsensual sex offense.
  4. Is particularly reprehensible.
- c. Any attempt, conspiracy, or solicitation to commit a violent offense shall be considered a violent offense for the purposes of this article.
- (Act 2003-354, p. 948, § 3.)



### **§ 12-25-33. Powers and duties of commission.**

To achieve the goals recognized by the Legislature in Chapter 25 and Section 12-25-31, the commission shall:

(1) Develop, maintain, and modify as necessary a system of statewide voluntary sentencing standards for use in felony cases which shall take into account historical sentencing data, concerning time actually served for various felony offenses, sentences imposed for various felony offenses, and such other factors as appear historically relevant to determining both the duration and disposition of sentences in felony cases. The standards shall recognize a continuum of punishments in recommending the disposition of sentences.

(2) Educate judges, prosecutors, defense attorneys, victim's service officers, community corrections officials, probation officers, and other personnel, where appropriate, in the use of the voluntary sentencing standards and worksheets.

(3) Develop, distribute, and periodically update sentencing worksheets for the use of courts in determining both the duration and disposition of sentences in felony cases.

(4) Prepare, distribute, and periodically update a form for sentencing courts to record the sentence of the offender and the reason or reasons for any departure from the voluntary sentencing standards.

(5) Develop and distribute voluntary standards for sentencing courts that include recommended intermediate punishment options.

(6) Evaluate risk assessment instruments used by the Board of Pardons and Paroles, the Department of Corrections, and other agencies and entities and assist in developing an offender risk assessment instrument for use in felony cases, based on a study of Alabama felons, that is intended to be predictive of the relative risk that a felon will become a threat to public safety.

(7) Collect, analyze, and maintain data regarding sentencing practices in felony cases, including the use of the voluntary sentencing standards, and recommend changes or modifications of the

standards and worksheets as the commission deems appropriate.

(8) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to enable the commission to make recommendations regarding projected correctional resource needs and to make recommendations to the Governor, the Legislature, the Chief Justice, and the Attorney General in the annual report of the commission. This annual report should also include data showing the impact of the initial voluntary standards and the truth-in-sentencing standards by race, gender, and location of the offender.

(9) Study felony statutes in the context of sentencing patterns as they evolve and make recommendations for the revision of criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

(10) Study bills introduced in the Legislature affecting criminal laws and procedure and prepare impact statements of proposed legislation on Alabama's criminal justice system, including the prison population.

(11) Report upon its work and recommendations annually to the Governor, the Legislature, the Chief Justice, and the Attorney General.

(12) Perform such other functions as may be required by law or necessary to carry out the duties of the commission prescribed in this chapter and this article.

(Act 2003-354, p. 948, § 4.)

### **§ 12-25-34. Development and adoption of the initial voluntary sentencing standards.**

(a) Statewide voluntary sentencing standards shall be developed and presented to the Legislature in stages over a three-year period as follows:

(1) By July 31, 2003, the commission shall develop and distribute to all sentencing judges a reference manual analyzing historical sentencing practices by duration of sentence and disposition of felony offenders in Alabama. The reference manual shall indicate those types of offenders

historically most likely to be sentenced to punishments other than active incarceration where alternatives to active incarceration are available.

(2) Concurrently with the development and distribution of the reference manual, the commission shall develop and begin testing worksheets and voluntary sentencing standards in selected circuits for selected felony offenses.

(3) The commission shall develop and present the initial voluntary sentencing standards to the Legislature before or during the 2006 Regular Session. These standards shall be introduced in the 2006 Regular Session and shall become effective on October 1 following the 2006 Regular Session, if approved by an act of the Legislature passed during that session. The initial voluntary sentencing standards based on sentences imposed shall apply to convictions for felony offenses sentenced on or after the effective date of this act and committed before the effective date of voluntary truth-in-sentencing standards.

(4) The commission shall develop and present voluntary truth-in-sentencing standards to the Legislature before or during the 2009 Regular Session. These standards shall be introduced in the 2009 Regular Session and shall become effective on October 1 following the 2009 Regular Session, if approved by an act of the Legislature passed during that session. The voluntary truth-in-sentencing standards shall apply only to felony offenses committed on or after the effective date of these standards.

(b) Recommended sentence ranges shall be established by standards that are based on historical sentencing practices, adjusted to achieve sentencing goals as established in Rule 26 of the Alabama Rules of Criminal Procedure, this chapter, and Section 12-25-31.

(c) Voluntary sentencing standards shall take into account and include statewide historically based sentence ranges, including all applicable statutory minimums and sentence enhancement provisions, including the Habitual Felony Offender Act, with adjustments made to reflect current sentencing policies. No additional penalties pursuant to any

sentence enhancement statute shall apply to sentences imposed based on the voluntary sentencing standards.

(d) After adoption of the initial voluntary standards and the voluntary truth-in-sentencing standards, any modifications made by the commission shall be contained in the annual report presented to the Governor, the Legislature, the Chief Justice, and the Attorney General. An annual report containing proposed modifications shall be presented to the Governor, the Legislature, the Chief Justice, and the Attorney General before or during each regular session of the Legislature. The modifications shall be introduced during that regular session and shall become effective on October 1 following the legislative session in which the modifications were introduced, if approved by an act of the Legislature passed during the legislative session in which the modifications were introduced. (Act 2003-354, p. 948, § 5, Act 2006-312)

#### **§ 12-25-35. Use of voluntary sentencing standards.**

(a) In felony cases, a probation officer, the district attorney, or some other person appointed at the discretion of the sentencing judge, and within the time frame set by the judge, shall, after notice to the offender or his or her attorney, present a completed appropriate voluntary sentencing standards worksheet to the sentencing judge for consideration.

(b) The trial court shall review the sentencing standards worksheet and consider the suitability of the applicable voluntary sentencing standards established pursuant to this article. In imposing sentence, the court shall indicate on the record that the worksheet and applicable sentencing standards have been reviewed and considered.

(c) In any felony case in which the trial court imposes a sentence that departs from the voluntary standards, and sentences outside the voluntary sentencing standards in accordance with

existing law, the court may provide a brief written reason for the departure. Neither the departure nor the reason stated for the departure shall be subject to appellate review but shall be supplied to the commission for future consideration concerning modification of the voluntary sentencing standards and for statistical purposes only.

(d) Copies of the voluntary sentencing standards worksheets, prepared pursuant to this article, shall be subject to the same distribution requirements as presentence investigation reports.

(e) Following the imposition of a sentence in a felony case, the clerk of the court in which the case was disposed shall forward a copy of the sentencing order or orders, a copy of the voluntary sentencing standards worksheets prepared in the case, and a copy of any departure explanation to the commission within 45 days after the imposition of sentence.

(f) Failure to follow any or all of the provisions of this section, or failure to follow any or all of the provisions of this section in the prescribed manner, shall not be reviewable on appeal or the basis of any other post-conviction relief.  
(Act 2003-354, p. 948, § 6.)

#### **§ 12-25-36. Sentencing under the voluntary truth-in-sentencing standards.**

When a judge sentences based on the voluntary truth-in-sentencing standards, all of the following rules shall apply:

- (1) Sentences imposed based on voluntary truth-in-sentencing standards pursuant to this article shall not be subject to any other provision of law concerning the duration of sentence.
- (2) Sentences imposed based on the voluntary truth-in-sentencing standards shall include both a minimum and an extended term of sentence including a period of post-release supervision. The minimum sentence and the extended sentence shall be specified in the judgment of the court for those sentences that are imposed in compliance

with the voluntary truth-in-sentencing standards. Sentence dispositions may include active incarceration, intermediate punishment, unsupervised probation, or a minimum punishment as specified in the voluntary truth-in-sentencing standards.

(3) The minimum term of sentence shall be consistent with the sentence range recommended in the voluntary truth-in-sentencing standards for the worksheet score of an offender. No offender sentenced to incarceration may be released from incarceration before the expiration date of the minimum term of sentence.

(4) The extended term of sentence shall be a period of time equal to 120 percent of the minimum term, rounded to the next highest month, plus a one-year period of post-release supervision.

(5) The amount of time an offender shall be incarcerated on the extended term of sentence shall be determined by the Department of Corrections pursuant to rules and regulations established by the Department of Corrections governing an offender's conduct after conviction and sentence.

(6) No sentence of active incarceration may be suspended.

(7) For any disposition of sentence less than active incarceration as defined in paragraph a. of subdivision (2) of Section 12-25-32, the court shall retain jurisdiction to modify sentence disposition of sentence.

(Act 2003-354, p. 948, § 7.)

#### **§ 12-25-37. Post-release supervision.**

- (a) An offender sentenced based on the voluntary truth-in-sentencing standards is released from incarceration to post-release supervision on the date equivalent to the expiration of the minimum term of sentence plus any additional time added by the Department of Corrections on the offender's extended term of sentence. In no event, however, shall an offender's initial release date be later than the date equivalent to the extended term less the time equivalent to the period of post-release supervision.

(b) An offender may not refuse post-release supervision.

(c) An offender whose offense was committed after the effective date of the voluntary truth-in-sentencing standards but whose sentence of active incarceration was a departure from the standards, shall be released to post-release supervision one year prior to the date calculated as the end of the offender's sentence.

(d) Before an offender is released to post-release supervision, the Board of Pardons and Paroles shall design a release plan to reintegrate the offender into society and to further hold the offender accountable for his or her offense by collecting restitution and other court indebtedness.

(e) Post-release supervision shall be provided by probation and parole officers or other officers designated by the Board of Pardons and Paroles. (Act 2003-354, p. 948, § 9.)

#### **§ 12-25-38. Revocation of post-release supervision status.**

(a) Offenders who fail to comply with the conditions of post-release supervision as specified by the Board of Pardons and Paroles may have their release status revoked.

(b) At any time during the period of post-release supervision, the Board of Pardons and Paroles may issue a warrant and may cause the offender to be arrested for violating any of the conditions of post-release supervision.

(c) Any probation officer, police officer, or other officer with power of arrest, when requested by the probation officer or other supervising officer, may arrest an offender under post-release supervision without a warrant. To arrest the offender without a warrant, the arresting officer shall have a written statement by the probation officer or other supervising officer declaring that the offender under post-release supervision, in his

or her judgment, has violated the conditions of post-release supervision. The statement shall be sufficient warrant for the detention of the person under post-release supervision in the county jail or other appropriate place of detention until the offender under post-release supervision is brought before the Board of Pardons and Paroles; provided that no person detained under this section shall be held in the county jail for more than 20 days, and if his or her detention exceeds 20 days, he or she shall be immediately transferred to a state correctional facility. The probation officer or other supervising officer shall forthwith report the arrest and detention to the Board of Pardons and Paroles and shall submit in writing a report demonstrating how the offender under post-release supervision violated the terms of his or her release status.

(d) If the offender violates a condition of post-release supervision, the Board of Pardons and Paroles, after a hearing, may implement one or more of the following options:

- (1) Continue the existing term of post-release supervision.
- (2) Issue a formal or informal warning to the offender under post-release supervision that further violation may result in revocation of his or her post-release supervision status and a return to incarceration for a period of time not to exceed the remainder of the maximum sentence imposed at the time of sentencing. An offender shall not receive credit on his or her sentence for time served on post-release supervision.
- (3) Conduct a formal or informal conference with the offender under post-release supervision to reemphasize the necessity of compliance with the conditions of his or her release status.
- (4) Modify the conditions of post-release supervision, including, but not limited to, short periods of confinement.
- (5) Revoke the post-release supervision status of the offender and order the offender returned to custody for such period of time as provided in subdivision (2).

(e) The Board of Pardons and Paroles may not revoke the release status of an offender and order additional confinement unless the board finds, on the basis of the original offense and the intervening conduct of the offender, either of the following:

(1) That no measure short of confinement will adequately protect the community from further criminal activity by the offender.

(2) That no measure short of confinement will avoid depreciating the seriousness of the violation.

(3) In lieu of a formal hearing, the Board of Pardons and Paroles may issue a standing order authorizing supervising officers to impose the sanctions listed in subdivisions (1), (2), or (3) of this subsection (d) or any pre-approved sanction that does not include a period of confinement. All instances of non-compliance and disciplinary actions shall be immediately reported to the Board of Pardons and Paroles.

(Act 2003-354, p. 948, § 10.)



**CODE OF ALABAMA**  
**TITLE 12. COURTS.**  
**CHAPTER 25. ALABAMA SENTENCING**  
**COMMISSION.**

**§ 12-25-1. Created.**

There is created within the judicial branch as an agency of the Supreme Court the Alabama Sentencing Commission, hereinafter called the "commission."

(Act 2000-596, p. 1192, § 1.)

Effective date:

The act which added this section is effective May 17, 2000.

**§ 12-25-2. Purpose.**

(a) The purposes of the commission shall be to review existing sentence structure, including laws, policies, and practices, and to determine and recommend to the Legislature and Supreme Court changes regarding the criminal code, criminal procedures, and other aspects of sentencing policies and practices appropriate for the state which:

- (1) Secure the public safety of the state by providing a swift and sure response to the commission of crime.
- (2) Establish an effective, fair, and efficient sentencing system for Alabama adult and juvenile criminal offenders which provides certainty in sentencing, maintains judicial discretion and sufficient flexibility to permit individualized sentencing as warranted by mitigating or aggravating factors, and avoids unwarranted sentencing disparities among defendants with like criminal records who have been found guilty of similar criminal conduct. Where there is disparity, it should be rational and not related, for example, to geography, race, or judicial assignment.
- (3) Promote truth in sentencing, in order that a party involved in a criminal case and the criminal justice process is aware of the nature and length of the sentence and its basis.
- (4) Prevent prison overcrowding and the premature release of prisoners.

(5) Provide judges with flexibility in sentencing options and meaningful discretion in the imposition of sentences.

(6) Enhance the availability and use of a wider array of sentencing options in appropriate cases.

(7) Limit the discretion of district attorneys in determining the charge or crime.

(b) In fulfilling its purposes, the commission shall be mindful of the purposes of sentencing that include, but are not limited to, all of the following:

- (1) Protecting the public.
- (2) Promoting respect for the law.
- (3) Providing just and adequate punishment for the offense.
- (4) Deterring criminal conduct.
- (5) Imposing sanctions which are least restrictive while consistent with the protection of the public and the gravity of the crime.
- (6) Promoting the rehabilitation of offenders.

**§ 12-25-3. Membership.**

(a) The commission shall consist of the following voting members:

- (1) The Chief Justice of the Supreme Court, or at his or her designation, a sitting or retired judge, who shall serve as chair, or at his or her designation another member of the commission shall serve as chair.
- (2) The Governor, or his or her designee.
- (3) The Attorney General, or his or her designee.
- (4) A district attorney appointed by the President of the Alabama District Attorneys' Association.
- (5) Two circuit judges, active or retired, appointed by the President of the Alabama Association of Circuit Court Judges.
- (6) A district judge, active or retired, appointed by the President of the Alabama Association of District Court Judges.
- (7) A victim of a violent felony or a person whose immediate family member was a victim of a violent felony, appointed by the Governor.
- (8) The Chair of the House Judiciary Committee, or his or her designee who is a member of the House Judiciary Committee.

- (9) The Chair of the Senate Judiciary Committee, or his or her designee who is a member of the Senate Judiciary Committee.
- (10) A private attorney specializing in criminal defense appointed by the President of the Alabama Criminal Defense Lawyers' Association.
- (11) A private attorney specializing in criminal law appointed by the President of the Alabama Lawyer's Association.
- (12) A county commissioner appointed by the Governor.
- (13) The Commissioner of the Department of Corrections, or his or her designee.
- (14) The chair of the Alabama Board of Pardons and Parole, or his or her designee.
- (15) A member of the academic community with a background in criminal justice or corrections policy appointed by the Chief Justice.

(b)(1) Appointed members of the commission shall serve terms of four years and may be reappointed for a second term. Members of the commission who serve because of their public office or position shall serve only as long as they hold such office or position.

(2) A member appointed to fill a vacancy on the commission which occurs before the expiration of the term for which his or her predecessor was appointed shall serve only for the remainder of such term.

(3) The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of this state.

#### **§ 12-25-4. Advisory council.**

(a) An advisory council to the commission shall be established to advise and consult the commission on sentencing matters. The advisory council shall be composed of representatives from the various state and non-state agencies and organizations having an interest in or whose operations directly or indirectly impact upon the criminal justice system. Membership of the advisory council shall include:

- (1) The Director of Public Safety, or his or her designee.
- (2) The Director of the Department of Youth Services, or his or her designee.
- (3) A sheriff appointed by the Alabama Sheriff's Association.
- (4) A police chief appointed by the Alabama Association of Chiefs of Police.
- (5) A director of a community corrections program appointed by the Chief Justice.
- (6) A representative of a prison ministry organization, who is not employed by the state, appointed by the Commissioner of the Department of Corrections.
- (7) A rehabilitated former prison inmate appointed by the Commissioner of the Department of Corrections.
- (8) Additional advisory members appointed in the numbers and manner as the commission deems advisable.

(b)(1) Appointed members of the advisory council shall serve terms of four years and may be reappointed. Members of the advisory council who serve because of their public office or position shall serve only as long as they hold the office or position.

(2) A member appointed to fill a vacancy on the advisory council that occurs before the expiration of the term of his or her predecessor shall serve only for the remainder of the term.

#### **§ 12-25-5. Compensation and expenses.**

(a) Members of the commission and advisory council shall serve without compensation.

(b) Members of the commission and advisory council are entitled to reimbursement for expenses while on official business of the commission or attending its meetings. Expenses shall be paid as follows:

- (1) The expenses of members who are legislators may be paid out of any funds appropriated to the Legislature or out of any funds appropriated for joint interim committees of the Legislature, but in the amounts as if they were performing legislative duties.

(2) The expenses of the members representing state or local government departments or agencies may be paid out of any funds available for travel in their respective departments or agencies.

(3) The expenses of the other members may be paid out of funds available to the commission for travel and shall be reimbursed in accordance with Sections 36-7-20 to 36-7-22, inclusive.

#### **§ 12-25-6. Meetings.**

(a) The commission shall meet quarterly at the State Capitol or at other places as is deemed necessary or convenient and at other times upon call of the chair. All meetings shall be open to the public. The advisory council shall convene at the discretion of the commission, but in any event shall meet jointly with the commission at least once annually.

(b) A majority of the members of the commission shall constitute a quorum for conducting business.

(c) Except as hereinafter provided, the commission shall act by affirmative vote of a majority of members present and voting.

(d) The commission will keep or cause to be kept a record of all transactions discussed or voted on by the commission.

#### **12-25-7. Executive committee.**

The executive committee of the commission shall be composed of the chair and four other members selected by the commission and shall conduct business as authorized by the commission or as permitted in Section 12-25-12.

#### **§ 12-25-8. Powers.**

The commission shall have the power to perform the functions as necessary to carry out the purposes of this chapter and may delegate power to any member or designated person. The commission may do all of the following:

(1) Submit appropriation requests to the Legislature.

(2) Serve as an agency to apply for and receive grants, donations, or other monies from public or private sources and to coordinate and conduct

studies in connection with any of its purposes and functions.

(3) Enter into and perform contracts, leases, cooperative agreements, and other transactions as may be necessary to fulfill the responsibilities of the commission, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization.

(4) Accept voluntary and uncompensated services.

(5) Request information, data, and reports from any Alabama agency or judicial officer as the commission may from time to time require and as may be produced consistent with other law.

(6) Hold hearings, conduct factfinding tours, and call witnesses to assist the commission in fulfilling its responsibilities.

(7) Perform other functions as may be necessary to carry out this chapter.

#### **§ 12-25-9. Duties.**

The commission shall have the following responsibilities:

(1) To review state sentencing structure, including laws, policies, and practices, and recommend changes to the criminal code, criminal rules of procedure, and other aspects of sentencing necessary to accomplish the purposes and objectives of this chapter.

(2) To review the overcrowding problem in county jails, with particular emphasis on funding for the county jails and the proper removal of state prisoners from county jails pursuant to state law and state and federal court orders, and to make recommendations for resolution of these issues to the Governor, Legislature, Attorney General, and Judicial System Study Commission before the 2002 Regular Legislative Session.

(3) To make recommendations to the Governor, Legislature, Attorney General, and Judicial System Study Commission concerning the enactment of laws relating to criminal offenses, sentencing, and correctional or probation matters.

(4) To publish an annual report and other reports as the chair deems necessary.



(5) To serve as a clearinghouse for the collection, preparation, and dissemination of information on sentencing practices.

(6) To maintain and make available for public inspection records of actions taken by the commission.

**§ 12-25-10. Comprehensive discretionary sentencing plan.**

Before or during the 2003 Regular Legislative Session, the commission shall review the present sentencing structure, including laws, policies, and practices, and recommend for consideration in the 2003 Regular Session changes to the criminal code, criminal rules of procedure, and other aspects of sentencing necessary to accomplish a comprehensive discretionary sentencing plan for all felony offenses consistent with the purposes and objectives of this chapter.

**§ 12-25-11. Cooperation with commission.**

Agencies of the state government shall cooperate with the commission as necessary for the commission to carry out its responsibilities. Upon the request of the commission, each agency and department of the state shall make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the commission in the execution of its functions without cost to the commission. The commission shall have access to all offender records maintained by other state departments and agencies, including, but not limited to, the Department of Corrections, the Board of Pardons and Paroles, the Administrative Office of Courts, and the Alabama Criminal Justice Information Center. All offender information received by the commission shall remain subject to the confidentiality requirements of the department or agency providing the information. The commission, however, may release non-identifying offender information for statistical and analysis purposes. When possible, information shall be provided to the commission electronically.

**§ 12-25-12. Director; employees.**

(a) The Chief Justice shall appoint a director for the commission. The Chief Justice may also authorize other employee positions for the commission. The director and employees of the commission shall be paid from any funds appropriated to the commission and shall be employed in the same manner as employees of the Supreme Court.

(b) The executive committee of the commission may employ and fix the compensation of consultants and experts to assist the commission as may be necessary to carry out its responsibilities.

## **Continuum of Punishments**

(From most restrictive to least restrictive)

### **Most Restrictive: Full Prison**

#### **Residential Short-Term**

- Revocation Centers
- Intermittent Confinement
- Split Sentences
- Boot Camp
- Jail

#### **Residential Part-Time**

- Work Release
- Halfway Houses
- Community-Based Corrections Facilities
- Re-entry Transitional Centers (similar to work release)

#### **Non-Residential Punishment -- movement restricted**

- Home Confinement
- Day Reporting Center
- Electronic Monitoring
- Intensive Supervised Probation/Parole
- Voice recognition & curfew restrictions
- SIR
- Intensive parole supervision

#### **Non-Residential Sanctions**

- Drug Courts
- Prosecutor's Diversion program
- Ignition Interlock
- Sobriety (Home alcohol breath monitoring)
- Community Service
- Discretionary Rehabilitation Program (out patient)
- License suspension

#### **Least Restrictive: Financial Sanctions**

- Payment of costs, fines and restitution
- Forfeiture

#### **Least Restrictive: Supervision**

- Unsupervised probation
- Suspended sentence with no probation

In this continuum of punishments various services should be provided to prevent recidivism and encourage a crime free lifestyle. These services may include, but should not be limited to assessment testing for substance abuse and addiction; educational programs; job readiness and work skills training; literacy and basic education; residential and out-patient drug and alcohol treatment, including both long and short term programs and relapse programs; voluntary restorative justice programs; mental health treatment; self-help groups, and drug courts or other specialty programs.

The continuum should also include intensive supervised pre-trial release for offenders charged with non-violent offenses who are unable to make a minimum bond for which they are eligible.

Penalties generally include a combination of these sanctions and/or combinations of levels of restrictiveness.

# I. GENERAL INSTRUCTIONS - Introduction

## The Voluntary Sentencing Standards and Worksheets – A Structured Sentencing System

The Voluntary Sentencing Standards are:

- Voluntary and non-appealable;
- Developed by judges, prosecutors, defense lawyers, victim advocates, and other criminal justice officials in response to the legislative directive to recommend a more structured sentencing system in Alabama to address unwarranted disparity and prison overcrowding (reserving scarce prison resources for the most dangerous and violent offenders); § 12-25-2, Code of Alabama 1975.
- Created from historical sentencing data, reflecting the major factors considered in making sentencing decisions and the importance of those factors to each other;
- Include the historical application of Alabama’s statutory sentence enhancements and mandatory minimums, except the sentences of life without parole and the new child sexual offender laws;
- Designed to mimic the two decisions in criminal sentencing – where and how the sentence is served, prison or non-prison (disposition), and the length of the sentence (duration).
- Expected to be followed in 75% of the covered cases, leaving flexibility with judges to sentence higher or lower as appropriate in approximately 25% of the covered cases; and
- Designed to shorten sentence length recommendations for in non-violent cases

to alleviate overcrowding and to make room for violent offenders.

In addition, the Standards and Worksheets

- Cover the 26 most frequently sentenced offenses and 87% of sentenced cases;
- Standardize sentence recommendations for more informed and uniform sentencing practices and the elimination of unwarranted disparity;
- Allow judges to retain discretion in arriving at sentencing decisions;
- Encourage the use of probation and community correction programs for non-violent offenders;
- Make all mandatory minimums and sentence enhancements (except life without parole, and the child sex offender amendments) discretionary; and
- Address overcrowding by providing a mechanism for changing sentence recommendations to meet economic reality while preserving public safety.

The Voluntary Sentencing Standards consist of three sets of worksheets and prison sentence length tables that divide the covered offenses into three offense types designated property, drug, and personal offenses.

The property, drug, and personal offense types each contain an In/Out worksheet that recommends a sentence disposition and a Prison Sentence Length worksheet that recommends a sentence length range.

Each type of worksheet relies on a sentence length table from which a sentence range is recommended based on Prison Sentence Length Worksheet score.

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## **II. GENERAL INSTRUCTIONS - Administrative Procedures § 12-25-35**

### **Responsibility for Completing Worksheets**

The worksheets may be completed by a probation officer, the prosecutor, or any other person designated by the sentencing judge. § 12-25-35 (a) This responsibility may be divided; for example, the judge may designate one person to complete the case information and the sentencing factors information and to total the scores for determining the sentencing worksheet recommendations prior to sentencing and another person to complete the actual sentence information before the form is forwarded by the clerk to the sentencing commission. *How this is done is up to the sentencing judge who has the final responsibility for seeing that the forms are completed, considered by the court, and sent to the Court Clerk for forwarding to the Alabama Sentencing Commission.*

### **Responsibilities of Worksheet Preparer**

The Worksheet Preparer(s) obtains the necessary information needed to complete the worksheet; totals the scores; and determines the recommended sentence based on the worksheet scores, distributes the worksheets to the appropriate parties, and presents the completed recommendation to the sentencing judge.

### **Worksheet Distribution**

A copy of the sentencing worksheets reflecting the sentencing recommendations must be presented to the prosecutor, the defendant and/or his attorney, and the sentencing judge prior to sentencing. § 12-25-35 (d)

The final worksheets showing not only the recommendations, but also the actual sentence and disposition of the sentence, must be given to the

Court Clerk to forward to the Alabama Sentencing Commission.

### **Use of the Worksheets by the Sentencing Judge**

Prior to sentencing, the trial court shall review the sentencing standards worksheets and consider the suitability of the applicable voluntary sentencing recommendations. In imposing sentence, the court shall indicate on the record that the worksheets and applicable sentencing standards have been reviewed and considered. § 12-25-35 (b)

After sentencing, the sentencing judge shall give the completed worksheets showing sentence recommendations, the actual sentence, and if applicable, the reasons for departure, to the Court Clerk to forward to the Alabama Sentencing Commission. § 12-25-35 (e)

### **Departure from the Worksheet Recommendations**

The worksheets are designed with the expectation they will provide appropriate recommendations in at least 75% of the covered cases. The sentencing judge may choose to sentence any covered case outside the standards in accordance with existing law.

When the trial court imposes a sentence that departs from the voluntary standards, the Alabama Sentencing Commission requests that the court provide a brief written reason for the departure. This information will be used by the Commission in evaluating the standards and determining where changes should be made. Providing this information gives each sentencing judge an opportunity to have input into future changes to the standards. § 12-25-35 (c).

Neither the departure nor the reason stated for the departure shall be subject to appellate review, but is to be provided to the Alabama Sentencing Commission for future consideration concerning modification of the voluntary sentencing standards and for statistical purposes only. § 12-25-35 (c).

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## **Responsibilities of the Court Clerk**

Following the imposition of a sentence in a felony case, the clerk of the court in which the case was disposed shall forward a copy of the sentencing order or orders, a copy of the voluntary sentencing standards worksheets prepared in the case, and a copy of any departure explanation to the commission within 45 days after the imposition of sentence. § 12-25-35 (e).

These documents may be sent in paper form or electronically. Paper forms must be sent to:

Alabama Sentencing Commission  
300 Dexter Avenue  
Montgomery, AL 36104

The Court Clerk should ensure that the actual sentence recorded on the worksheets is the same as reflected on the case action summary.

## **Appellate Review**

Failure to follow the standards, or failure to follow any or all of the standards in the prescribed manner, shall not be reviewable on appeal or serve as the basis of any other post-conviction relief. § 12-25-35 (f)

## **Judicial Disagreement with Worksheet Scoring and Instructions**

To comply with the sentencing standards, the sentence imposed must be imposed according to the Instructions in this manual. Any sentence imposed outside the standards must be in accordance with existing law, exclusive of the standards. If a judge disagrees with the standards recommendation or weighting of factors and chooses to disregard the recommendation or the weighting of any factor as set out in the worksheets or worksheet instructions, the only option is to sentence under existing law exclusive of the standards recommendation. The judge's disagreement may be properly expressed by stating

the disagreement as a reason for departure on the worksheets.

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### **III. GENERAL INSTRUCTIONS - Completing the Worksheets**

#### **When to use the Voluntary Sentencing Standards**

#### **Covered Offenses**

The following offenses are covered by the Voluntary Sentencing Standards and Worksheets.

#### **Personal Worksheets**

Assault I  
§ 13A-6-20

Assault II  
§ 13A-6-21

Manslaughter  
§ 13A-6-3

Murder  
§ 13A-6-2

Rape I  
§ 13A-6-61

Rape II  
§ 13A-6-62

Robbery I  
§ 13A-8-41

Robbery II  
§ 13A-8-42

Robbery III  
§ 13A-8-43

Sodomy I  
§ 13A-6-63

Sodomy II  
§ 13A-6-64

#### **Property Worksheets**

Burglary I  
§ 13A-7-5

Burglary II  
§ 13A-7-6

Burglary III  
§ 13A-7-7

Forgery II  
§ 13A-9-3

Possession Forged Instrument II  
§ 13A-9-6

Theft of Property I  
§ 13A-8-3

Theft of Property II  
§ 13A-8-4

Receiving Stolen Property I  
§ 13A-8-17

Receiving Stolen Property II  
§ 13A-8-18

Unauthorized Use/B&E Vehicle  
§ 13A-8-11(a)(4) & (b)

Unlawful Possession/Use  
Credit/Debit Card  
§ 13A-9-14

#### **Drug Worksheets**

Felony DUI  
§ 32-5a-191(h)

Possession of Marihuana I  
§ 13A-12-213

Unlawful Possession of a  
Controlled Substance  
§ 13A-12-212

Sale/Distribution of Marihuana  
(other than to a minor)  
§ 13A-12-211

Sale/Distribution of Schedule I-V  
(other than to a minor)  
§ 13A-12-211

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## Worksheets are Offense Specific

Worksheets are intended for use only when the offense sentenced is a worksheet offense. They are not intended to provide guidance when sentencing similar crimes. The factors on the worksheets have been statistically derived specifically for the listed offenses and may or may not be statistically significant in predicting sentencing outcomes for other offenses.

## The Most Serious Offense

Worksheets must be completed and considered when the “most serious offense” at a sentencing event is a worksheet offense.

## Sentencing Event

A sentencing event includes all convictions sentenced at the same time whether included as counts in one case or in several different cases.

## Determining the Most Serious Offense at a Sentencing Event

Rule 1. Where two or more offenses at the same sentencing event are the same crime type (covered by the same worksheet), the most serious offense is the offense with the highest number of points shown on the corresponding Prison Sentence Length Worksheet.

Rule 2. Where two or more offenses at the same sentencing event are different crime types (covered by different worksheets), the most serious offense is the offense with the highest number of points shown on the Prison Sentence Length worksheets. The preparer may complete both worksheets and select the offense that results in the most severe penalty.

Example:

- If a defendant is being sentenced for Assault II (72 points) and Burglary II (70 points) at the same sentencing event, the worksheet preparer should first complete the Personal Sentencing Worksheets to determine the recommended sentencing outcome. This is because Assault II

has the highest point value in the first section of the “personal” sentence length worksheet. Then, the preparer could elect to score Burglary II as the primary offense on the worksheets to determine which sentencing outcome would be most appropriate in this particular case.

Rule 3. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and both carry the same statutory maximum penalty, the worksheet offense is the most serious offense. The other offense should be scored as an additional offense where appropriate.

Example:

- The maximum statutory penalty for Criminal Mischief I (with no prior felony convictions) is 10 years and the maximum statutory penalty for Assault II (with no prior felony convictions) is 10 years. If both are being sentenced at the same event, the worksheet preparer should score the personal worksheets for Assault II. This is because Assault II is covered by the worksheets and Criminal Mischief I is not.
- In the above scenario, if worksheet offense was a drug or property offense, the non-worksheet offense(s) should be scored under the “Number of Additional Felony Convictions (Including Counts)” section of the Sentence Length Worksheets.

Rule 4. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and the non-worksheet offense has a higher statutory maximum penalty, the non-worksheet offense is the most serious offense and the voluntary Sentencing Standards are not applicable.

## Completing the In/Out Worksheet and the Prison Sentence Length Worksheet

Both the In/Out Worksheet and the Prison Sentence Length Worksheet applicable to the sentencing event must be completed even in the recommendation is “non-prison.”



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## Rules for Scoring Prior Records

*Date of Prior Records* - Prior records are to be scored based on convictions, juvenile delinquency and/or youthful offender adjudications occurring before the arrest date(s) of the offense(s) sentenced.

*Ambiguous Prior Records* - If an ambiguous entry on a prior record document cannot be resolved, the worksheet preparer should treat the information in a way that gives the benefit of the doubt to the offender. If any prior record disposition information is missing, the worksheet preparer should assume that no conviction occurred.

*Burden and Manner of Proving Prior Records* - In the event of a dispute, the burden of proving the prior record is on the prosecutor. For purposes of proving in-state prior convictions, any official court document – whether automated or hard copy – shall be sufficient for meeting the burden or proof requirement. When meeting the burden or proof for out of state convictions, certified copies of official court records shall be sufficient evidence. Out of state records need not be exemplified.

*Prior Nolo Contendere Dispositions* – Matters disposed of by pleas of *nolo contendere* or “no-contest” should be counted as prior convictions for worksheet purposes. In addition, any incarceration resulting from a plea of *nolo contendere* should be counted in the appropriate places on the worksheets.

*Effect of Pardons* – In the event a defendant has received a pardon for innocence, the conviction for which he or she received the pardon should be excluded when scoring prior convictions. All other pardons – e.g. those to restore voting rights – should not be excluded.

*Prior Misdemeanor or violation convictions* – All *criminal* convictions should be counted. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law

Enforcement, Driving Without a License, and Driving While license is Suspended or Revoked.

*Prior DUI convictions* – All misdemeanor DUI convictions occurring before the arrest date for the current offense should be counted as priors, even when the worksheets are being completed for Felony DUI.

## Time for Completing Worksheets and Determining Recommendations

Worksheets must be completed prior to the imposition of sentence in sufficient time for review by all parties and the sentencing judge.

In pre-trial diversion cases and drug court cases, worksheets are not required until a sentence is imposed. Some courts impose a sentence as soon as an offender enters drug court. In these courts, worksheets are required to be completed “up front.” In other courts, sentencing does not occur unless the offender “flunks out” of the drug court program. In these courts, the worksheets may be filled out any time prior to sentencing, giving sufficient notice to all parties and the judge.

## Sentence Lengths

Where Prison is the sentence disposition on the In/Out Worksheet, the prison sentence must be chosen from within the recommended range for the corresponding score on the Prison Sentence Length Ranges Table for the most serious offense worksheet offense type.

If a score on the Prison Sentence Length Worksheet falls between two scores listed on the Sentence Length Ranges Table, select the lower of the two scores to determine the recommended sentence range.

When choosing a sentence from the recommended sentence range, the sentence chosen must not be less than the statutory sentences specified in Section 13A-5-6(a)(1)-(3), provided, however, the



minimum sentence may still be “split” pursuant to Section 15-18-8.

1. For a Class A felony, the minimum sentence imposed must be at least 120 months.
2. For a Class B felony, the minimum sentence imposed must be at least 24 months.
3. For a Class C felony, the minimum sentence imposed must be at least 12 months and 1 day.

A recommended sentence of 13 months includes any portion of the 13<sup>th</sup> month, i.e. 12 months and 1 day.

Sentence lengths recommended on the worksheets are intended to give guidance in imposing prison sentences. They are not intended to suggest terms of probation. Compliance with the Voluntary Sentencing Standards occurs when the sentence conforms to the recommendation on the In/Out Worksheet and,

where prison is recommended, the prison sentence length conforms to the recommended sentence range on the Prison Sentence Length Worksheet, or

where non-prison is recommended, the total suspended sentence length conforms to either the recommended sentence range on the Prison Sentence Length Worksheet or any other sentence length authorized by law.

In other words, where the In/Out Worksheet recommendation is non-prison, the total suspended sentence need not conform to the prison sentence length recommendation. The length of probation terms authorized by law is not affected by the Voluntary Sentencing Standards.

### **Judge’s Colloquy in Guilty Pleas**

The court’s obligation to advise the defendant as to the statutory range of punishment prior to accepting a guilty plea is not affected by the voluntary sentencing standards.

## **Imposition of Sentence**

Once a sentence has been selected from the recommended Prison Sentence Length Range Table, the sentencing judge may determine how that sentence shall be imposed for that sentencing event.

Example:

If a defendant is sentenced for three felonies at one sentencing event and the chosen sentence is 360 months (30 years) the judge may impose the sentence as:

- o 360 months for each conviction to run concurrently;
- o 120 months for each conviction to run consecutively; or
- o one 240 month sentence and two 60 month sentences to run consecutively.

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#### IV. GENERAL INSTRUCTIONS - Mechanics of Completing the Worksheets

Because of the multiple ways in which sentencing occurs in Alabama, there is no requirement concerning which worksheet is completed first. It is suggested, however, the preparer first complete the case information at the top of the In/Out Worksheet.

##### PRISON IN/OUT WORKSHEET

**Step A** - Complete the case information at the top of the In/Out Worksheet and the Prison Sentence Length Worksheet. Please print.

*Defendant* – fill in the defendant’s name as it appears in the court case file.

*Case No.* – fill in the case number for the most serious offense for the sentencing event.

*Judge* – fill in the name of the judge presiding over sentencing in the case.

*DA/Asst. DA* – fill in the name of the attorney representing the state at this sentencing event.

*Probation Officer* – fill in the name of the probation officer assigned to this case.

*Defense Attorney* – fill in the name of the attorney representing the defendant at sentencing, or if more than one attorney, the lead attorney in the case.

*Worksheet Preparer, Title* – fill in the name and the title of the worksheet preparer.

*List Additional Cases Sentenced for this Event* – If there are two or more cases sentenced at this sentencing event, fill in the case numbers for the additional cases. Also include additional counts by listing the specific additional convicted offenses.

Defendant _____	Case No. _____
Judge _____	DA/Asst. DA _____
Probation Officer _____	Defense Attorney _____
Worksheet Preparer, Title _____	
List Additional Cases Sentenced for this Event _____	

**Step B** – Complete the Sentencing Factors Section, adding the score for each section. See the instructions for each worksheet.

**Step C – Prison In/Out Worksheet:**

1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
2. Circle the recommendation (non-prison or prison) that conforms to the total score.

Drug In/Out Recommendation	Total Score <input type="text"/>
1-7 points: Non-Prison	8 or more points: Prison

Property In/Out Recommendation	Total Score <input type="text"/>
8-14 points: Non-Prison	15 or more points: Prison

Personal In/Out Recommendation	Total Score <input type="text"/>
1-7 points: Non-Prison	8 or more points: Prison

**Step D –** When the actual sentence is imposed, record the disposition of sentence by checking the appropriate disposition on the In/Out worksheet.

Probation	_____	Department of Corrections	_____
Community Corrections Probation	_____	DOC at Community Corrections	_____
County Jail / Work Release	_____	DOC Split Sentence	_____
Other Alternative	_____		
Reason Recommendation Not Accepted	_____		

**Step E –** After sentencing, if the judge departs from the In/Out worksheet recommendation, the Alabama Sentencing Commission asks that the reason for the departure be stated here.

Reason Recommendation Not Accepted
_____

---

## PRISON SENTENCE LENGTH WORKSHEET

**Step A** - Complete the case information at the top of the Prison Sentence Length Worksheet.

*Defendant* – fill in the defendant’s name as it appears in the court case file.

*Case No.* – fill in the case number for the most serious offense for the sentencing event.

**Step B** – Complete the Sentencing Factors Section, adding the score for each section. See the instructions for each worksheet.

**Step C** - Prison Sentence Length Worksheet:

1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
2. Go to the Prison Sentence Length Range table and select the sentence ranges that conform to the total score.
3. Record the recommended ranges on the Prison Sentence Length Worksheet.

**Step D** - Record the actual sentenced imposed by the sentencing judge.

**Step E** - If the sentence imposed does not fall within the recommended sentence ranges, a departure occurs. If a departure from the Sentence Length range occurs, record the Reason for the Departure.

	Prison Sentence Length Recommendation	Step C1 Total Score
		<input type="text"/>
<b>Step C3</b>	Recommended Sentence Range ____ to ____ (straight) ____ to ____ (split)	
<b>Step D</b>	Actual Sentence Imposed _____	
<b>Step E</b>	Reason did Not Accept Sentence Length Recommendation _____	

## PRISON SENTENCE LENGTH RANGES FOR WORKSHEET

This table contains recommended sentence length ranges from which a sentence imposed under the Voluntary Sentencing Standards is chosen.

The table is divided into three sections or column groups.

1. The first column is a list of scores in actual cases analyzed by the Alabama Sentencing Commission in developing the worksheets and standards.
2. The next three columns (Total Sentence) list the recommended sentence ranges from which a sentence may be chosen.
3. The last three columns (Time to Serve on Split) list the recommended sentence ranges for the incarceration portion of a split sentence in the event the judge chooses to impose a split sentence.

<i>Step A</i>	<i>Step B</i>			<i>Step C</i>		
	Total Sentence			Time to Serve On Split		
<u>Score</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
32	13	18	23	6	9	12
37	13	22	31	6	9	12
39	13	22	31	6	9	12
42	13	22	31	6	9	12
44	13	22	31	6	9	12
45	13	22	31	6	9	12
46	13	22	31	6	9	12
47	13	22	31	6	9	12
49	14	23	31	6	9	12
51	14	23	31	6	9	12
52	14	27	38	6	9	12
53	14	27	38	6	9	12
54	14	27	38	6	9	12
55	14	27	38	6	9	12
56	14	31	46	6	9	12
57	14	31	46	6	9	12
58	14	31	46	6	9	12

This table is not intended to encourage or discourage the use of split sentences. The use of splits remains a matter entirely within the discretion of the sentencing judge.

**Step A** - Find the score that matches or, if no match is found, the next lower score corresponds to the Total Score on the Prison Sentence Length Worksheet.

**Step B** – Identify the recommended sentence range for that score in “Total Sentence” columns.

**Step C** - Identify the matching recommended sentence range for the incarceration portion of a split sentence from the “Time to Serve on Split” columns.

Record the recommended sentence ranges on the Prison Sentence Range Worksheet.

---

**Final Step** - Transmit the completed worksheets (Prison In/Out and Prison Sentence Length) to the Court Clerk for forwarding to the Alabama Sentencing Commission.

**Alabama Sentencing Commission  
300 Dexter Avenue  
Suite 2-230  
Montgomery, AL 36104-3741  
Fax: (334) 954-5201**

## **Voluntary Sentencing Standards & Worksheets**

The Drug offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Sale/Distribution of Schedule I-V (other than to minor) – 113 points  
§ 13A-12-211

Sale/Distribution of Marihuana (other than to minor) – 84 points  
§ 13A-12-211

Unlawful Possession of a Controlled Substance – 71 points  
§ 13A-12-212

Felony DUI – 42 points  
§ 32-5a-191(h)

Possession of Marihuana I – 42 points  
§ 13A-12-213

# INSTRUCTIONS - - Drug Prison In/Out Worksheet

1

## Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2

## Sentencing Factors Section

Complete prior to sentencing.

3

## Most Serious Conviction Offense -

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

4

## Number of Prior Adult Felony Convictions

- Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5

## Number of Prior Adult Convictions for Misdemeanors or Violations

- Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

6

## Prior Incarceration with Sentence Imposed of 1 Year or More

- Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

7

## Prior Probation or Parole Revocation

- Count prior probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

8

## Number of Prior Juvenile Delinquency or Youthful Offender Adjudications

- Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition*

*for misdemeanors or violations as set out in factor #5.*

9

## Possession/Use of a Deadly Weapon or Dangerous Instrument

- Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

10

## Recommendation Section

**Total Score** - Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 1 through 7 points, then a non-prison sentence is recommended for the offender. If the total score is 8 or more points, a prison sentence is recommended.

11

## Non-Prison: 1-7 Points

Several options are given for imposing a non-prison sentence. Some of these options are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option. *Probation* should be checked if the offender is sentenced to traditional probation.

*Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation.

*County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: For worksheet purposes, a sentence to the county jail and/or county work release is considered a non-prison sentence.*

*Other Alternative* should be checked when a non-prison alternative, other than those listed, is used.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

12

## Prison: 8 or more points

Several prison alternatives are provided. *Department of Corrections* should be checked if the sentence is a straight prison sentence.

*DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program.

*DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

13

## Reason Recommendation Not Accepted

This section need be completed only on the copy of the worksheet provided to the court clerk.

If the sentencing judge decides that the In/ Out recommendation does not fit this case, the judge or his or her designee, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

### More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

### Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.



Please Print

# Drug Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge \_\_\_\_\_ DA/Asst. DA \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Defense Attorney \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
List Additional Cases Sentenced for this Event \_\_\_\_\_

**2**

**3** Most Serious Conviction Offense                      Please circle one offense

Possession of Marihuana or Controlled Substance .....	1
Felony DUI .....	4
Sale/Distribution of Marihuana (other than to minor) .....	6
Sale/Distribution of Schedule I-V (other than to minor) .....	6

Score

**4** Number of Prior Adult Felony Convictions                     

None .....	0
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	7

Score

**5** Number of Prior Adult Convictions for Misdemeanors or Violations                     

0-1 .....	0
2-5 .....	1
6-9 .....	2
10 or more .....	3

Score

**6** Prior Incarceration with Sentence Imposed of 1 Year or More                     

If Yes .....	3
--------------	---

Score

**7** Prior Probation or Parole Revocation                     

If Yes .....	1
--------------	---

Score

**8** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)                     

0 .....	0
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score

**9** Possession/Use of a Deadly Weapon or Dangerous Instrument                     

If Yes .....	2
--------------	---

Score

## Recommendation

<b>11</b> 1-7 points: Non-Prison	<b>12</b> 8 or more points: Prison	<b>10</b> Total Score <input type="text"/>
Probation _____	Department of Corrections _____	
Community Corrections Probation _____	DOC at Community Corrections _____	
County Jail/Work Release _____	DOC Split Sentence _____	
Other Alternative _____		
<b>13</b> Reason Recommendation <b>Not</b> Accepted _____		

# INSTRUCTIONS - - Drug Prison Sentence Length Worksheet

The Drug Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

## 1 Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

## 2 Sentencing Factors Section

Complete prior to sentencing.

## 3 Most Serious Conviction Offense –

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

## 4 Number of Additional Felony

**Convictions (Including Counts)** – The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

## 5 Number of Prior Adult Felony

**Convictions** – Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 6 Number of Prior Adult Felony Class C

**Convictions** – Count only the number of Class C felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 7 Prior Incarceration with Sentence

**Imposed of 1 Year or More** – Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one

year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## Prison Sentence Length Recommendation

8 **Total Score** – Total the scores from the Sentencing Factors Section.

9 **Recommended Sentence Range** – Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as “straight”. Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

10 **Actual Sentence Imposed** – Enter the actual sentence imposed, including the split if a split is imposed.

*Example:* 36 months, split to serve 12 months with 24 months probation.

*Example:* 60 months, split to serve 24 months with 12 months probation.

*Example:* 60 months

*Note: the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.*

## Reason Recommendation Not

11 **Accepted** – If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.

- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison In/Out worksheet.

Please Print

# Drug Prison Sentence Length Worksheet

1 Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

2 \_\_\_\_\_  
3 Most Serious Conviction Offense Please circle one offense

Felony DUI/ Possession of Marihuana ..... 42  
Unlawful Possession of a Controlled Substance ..... 71  
Sale/Distribution of Marihuana (other than to minor) ..... 84  
Sale/Distribution of Schedule I-V (other than to minor) ..... 113

Score

4 Number of Additional Felony Convictions (Including Counts) \_\_\_\_\_

None ..... 0  
1 ..... 15  
2 ..... 29  
3 ..... 44  
4 or more ..... 58

Score

5 Number of Prior Adult Felony Convictions \_\_\_\_\_

None ..... 0  
1 ..... 10  
2 ..... 20  
3 ..... 30  
4 ..... 40  
5 or more ..... 50

Score

6 Number of Prior Adult Felony Class C Convictions \_\_\_\_\_

None ..... 0  
1 ..... 7  
2 ..... 14  
3 ..... 21  
4 ..... 28  
5 ..... 35  
6 ..... 43  
7 or more ..... 50

Score

7 Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 14

Score

See Prison Sentence Length  
Recommendation Table

8 Total Score

9 Recommended Sentence Range \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

10 Actual Sentence Imposed \_\_\_\_\_

11 Reason did **not** accept sentence length recommendation \_\_\_\_\_

## Drug Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
42	13	23	32	6	9	12
49	13	23	32	6	10	14
52	13	23	32	6	10	14
56	13	23	32	6	10	14
57	13	23	32	6	10	14
59	13	23	32	6	10	14
62	13	23	32	6	10	14
64	13	23	32	6	10	14
66	13	23	32	6	12	18
67	13	23	32	6	12	18
69	13	23	32	6	12	18
70	13	23	32	6	12	18
71	13	23	32	6	12	18
72	13	23	32	6	12	18
73	13	23	32	6	12	18
74	13	23	32	6	12	18
76	13	39	65	6	12	18
77	13	39	65	6	12	18
78	13	39	65	6	17	27
79	13	39	65	6	17	27
80	13	39	65	8	18	27
81	13	39	65	8	18	27
82	13	39	65	8	18	27
83	13	39	65	8	18	27
84	13	39	65	8	18	27
86	13	39	65	8	18	27
87	13	39	65	8	18	27
88	13	39	65	8	18	27
89	13	39	65	8	18	27
90	13	39	65	8	18	27
91	13	39	65	8	18	27
92	13	39	65	8	18	27
93	13	39	65	8	18	27
94	13	39	65	8	18	27
95	13	39	65	8	18	27
96	13	39	65	8	18	27
97	13	39	65	8	18	27
98	13	39	65	8	18	27
99	13	39	65	8	18	27
100	13	39	65	8	18	27
101	13	39	65	8	18	27
102	13	39	65	8	18	27
103	13	39	65	8	18	27
104	13	55	97	8	18	27
105	15	56	97	8	18	27
106	15	56	97	8	18	27
107	15	56	97	8	18	27
108	15	56	97	8	18	27
109	15	56	97	8	18	27

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
110	15	56	97	8	18	27
111	15	56	97	8	18	27
112	15	56	97	8	18	27
113	15	56	97	8	18	27
115	15	56	97	8	18	27
116	15	56	97	8	18	27
117	15	56	97	8	18	27
118	15	56	97	8	18	27
119	15	56	97	8	18	27
120	15	56	97	8	18	27
121	15	56	97	8	18	27
122	15	56	97	8	18	27
123	15	56	97	8	18	27
124	15	56	97	8	18	27
125	15	56	97	8	18	27
126	18	58	97	8	18	27
127	18	58	97	8	18	27
128	18	58	97	8	18	27
130	18	58	97	8	18	27
132	18	58	97	8	18	27
133	18	58	97	8	18	27
134	18	58	97	8	18	27
135	18	58	97	8	18	27
136	18	58	97	8	18	27
137	18	58	97	8	18	27
138	18	58	97	8	18	27
139	18	58	97	8	18	27
140	18	58	97	8	18	27
141	21	62	104	8	18	27
142	21	62	104	8	18	27
143	21	62	104	8	18	27
144	21	62	104	8	18	27
145	21	62	104	8	18	27
146	21	62	104	8	18	27
147	21	62	104	8	18	27
148	24	64	104	8	18	27
149	24	64	104	8	18	27
150	24	64	104	8	18	27
152	24	64	104	8	18	27
154	30	67	104	12	20	27
155	30	67	104	12	20	27
156	30	67	104	12	20	27
157	30	67	104	12	20	27
158	30	67	104	12	20	27
159	30	67	104	12	20	27
160	30	67	104	12	20	27
161	30	67	104	12	20	27
162	30	67	104	12	20	27
163	30	67	104	12	20	27
164	30	67	104	12	20	27
165	30	67	104	12	20	27
166	30	67	104	12	20	27
167	30	67	104	12	20	27

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
168	30	67	104	12	20	27
169	30	67	104	12	20	27
170	30	67	104	12	20	27
171	30	67	104	12	20	27
172	36	70	104	12	20	27
173	36	70	104	12	20	27
174	36	70	104	12	20	27
176	36	70	104	12	20	27
177	36	70	104	12	24	36
178	36	70	104	12	24	36
181	45	87	130	16	26	36
182	45	87	130	16	26	36
183	45	87	130	16	26	36
184	45	87	130	16	26	36
185	45	87	130	16	26	36
188	45	87	130	24	30	36
189	45	87	130	24	30	36
191	45	87	130	24	30	36
192	45	87	130	24	30	36
195	45	87	130	24	30	36
196	45	87	130	24	30	36
198	45	87	130	24	30	36
199	45	87	130	24	30	36
200	45	87	130	24	30	36
203	45	87	130	24	30	36
205	45	87	130	24	30	36
206	45	87	130	24	30	36
212	45	87	130	24	30	36
213	45	87	130	24	30	36
214	45	87	130	24	30	36
220	45	87	130	24	30	36
222	45	87	130	24	30	36
227	45	87	130	24	30	36
232	45	87	130	24	30	36
235	45	87	130	24	30	36
242	45	87	130	24	30	36

**Drug Worksheets and Standards**  
**Case Study # 1**

Name: Kelly Parker

Case Number: CC20030005585

Ms. Parker has entered guilty pleas for *Unlawful Distribution of a Controlled Substance* and *Receiving Stolen Property II*. She is being sentenced for both offenses today.

**Criminal History:**

- *Convicted – Theft of Property I – Received a 5 year prison sentence split, 2 years to serve*
- *Convicted – Forgery II – Received a 18 month prison sentence*
- *Arrested – Theft of Property II – Nol Prossed*
- *Convicted – Disorderly Conduct – 30 days in the county jail*
- *Convicted – Theft of Property II – Received a 1 year and 1 day prison sentence*
- *Arrested – Receiving Stolen Property III – Not Guilty*

---

**Drug Case Study # 2**

Name: Sam Winston

Case Number: CC20030009887

Mr. Winston has entered guilty pleas for *Trafficking Cocaine* and *Theft of Property II*. He is being sentenced for both offenses today.

**Criminal History:**

- *Arrested – Theft of Property I – Nol Prossed*
- *Convicted – Unlawful Possession of a Controlled Substance – Received 18 months probation*
- *Convicted – Running a Red Light*
- *Convicted – Driving Under the Influence – Received 6 months probation*
- *Convicted – Speeding*

### Drug Case Study # 3

Name: Daniel Morris

Case Number: CC20030000285

Mr. Morris has entered guilty pleas for *Unlawful Distribution of a Controlled Substance and Unlawful Possession of Marihuana I*. During the commission of the offense, Mr. Morris had a firearm in his shoulder holster while he sold cocaine to an undercover officer. The officer stated that a pound of marihuana was seen on the floorboard of Mr. Morris' truck. The undercover officer tells Mr. Morris "That's a nice piece you are carrying." Mr. Morris responds "Yea, sometimes I have a little trouble in my business." He is being sentenced for both offenses today.

#### Criminal History:

- *Revoked from Parole*
  - *Convicted – Arson I – Received a 15 year prison sentence*
  - *Arrested – Theft of Property II – Dismissed*
  - *Convicted – Receiving Stolen Property II – Received a 18 month prison sentence*
  - *Convicted – Possess Forged Instrument I – Received a 3 year prison sentence split, 1 year to serve*
  - *Convicted – Unlawful Possession of Marihuana II – Received 6 months probation*
- 

### Drug Case Study # 4

Name: Carter Williams

Case Number: CC2005000432

Mr. Williams has entered a guilty plea for *Felony DUI*. He is being sentenced for this offense today.

#### Criminal History:

- *Convicted – DUI – Received 6 months probation*
- *Adjudicated Delinquent (Unlawful Possession of Marihuana II) – Assigned to supervision by a juvenile probation officer*
- *Convicted – DUI – Received 90 days in the county jail*
- *Arrested – Unlawful Possession of Marihuana I – Dismissed*
- *Convicted – DUI – Received 30 days in the county jail*



# Drug Case Study #1

## Drug Prison In/Out Worksheet

Defendant Kelly Parker Case Number CC2003005585

Judge Judge Jones DA/Asst. DA DA Powell

Worksheet Preparer, Title Ann Calhoun – Judicial Assistant

List Additional Cases Sentenced for this Event

CC2002001278

## Drug Prison In/Out Worksheet (Cont.)

### Most Serious Conviction Offense

Possession of Marihuana or Controlled Substance ..... 1  
Felony DUI ..... 4  
Sale/Distribution of Marihuana (other than to minor)..... 6  
Sale/Distribution of Schedule I-V (other than to minor)..... 6

Score 6

### Number of Prior Adult Felony Convictions

None..... 0  
1 ..... 2  
2 ..... 3  
3 ..... 5  
4 ..... 6  
5 or more ..... 7

Score 5

Drug Case Study #1

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1..... 0  
2-5 ..... 1  
6-9..... 2  
10 or more..... 3

Score 0

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... 3

Score 3

### Prior Probation or Parole Revocation

If Yes..... 1

Score 0

Drug Case Study #1

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

① 0..... ① 0  
1-2 ..... 1  
3-4 ..... 2  
5 or more..... 3

Score 0

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... 2

Score 0

Total Score 14

Drug Case Study #1

## Drug Prison In/Out Worksheet (Cont.)

Total Score 14

### Recommendation

1-7 points: Non-Prison

8 or more points: Prison

Drug Case Study #1

## Drug Prison Sentence Length Worksheet

Defendant Kelly Parker Case Number CC2003005585

### Most Serious Conviction Offense

Felony DUI/Possession of Marihuana .....	42
Unlawful Possession of a Controlled Substance .....	71
Sale/Distribution of Marihuana (other than to minor).....	84
Sale/Distribution of Schedule I-V (other than to minor).....	113

Score **113**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	15
2.....	29
3.....	44
4 or more.....	58

Score **15**

Drug Case Study #1

## Drug Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0
1.....	10
2.....	20
3.....	30
4.....	40
5 or more .....	50

Score **30**

### Number of Prior Adult Felony Class C Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	28
5.....	35
6.....	43
7 or more.....	50

Score **14**

Drug Case Study #1

## Drug Prison Sentence Length Worksheet (Cont.)

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....(14)

Score **14**

Total Score **186**

Drug Case Study #1

## Drug Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>182</b>	45	87	130	16	26	36
<b>183</b>	45	87	130	16	26	36
<b>184</b>	45	87	130	16	26	36
<b>185</b>	45	87	130	16	26	36
<b>188</b>	45	87	130	24	30	36
<b>189</b>	45	87	130	24	30	36
<b>191</b>	45	87	130	24	30	36
<b>192</b>	45	87	130	24	30	36

This view only represents a small portion of the entire standards table.

Drug Case Study #1

## Drug Case Study #2

### Drug Prison In/Out Worksheet

Defendant Sam Winston Case Number CC2003009887

Most Serious Conviction Offense

*Trafficking Cocaine*

**NON-WORKSHEET  
OFFENSE**

# Drug Case Study #3

## Drug Prison In/Out Worksheet

Defendant Daniel Morris Case Number CC2003000285

### Most Serious Conviction Offense

Possession of Marihuana or Controlled Substance ..... 1  
Felony DUI ..... 4  
Sale/Distribution of Marihuana (other than to minor)..... 6  
Sale/Distribution of Schedule I-V (other than to minor)..... 6

Score **6**

### Number of Prior Adult Felony Convictions

None..... 0  
1 ..... 2  
2 ..... 3  
3 ..... 5  
4 ..... 6  
5 or more ..... 7

Score **5**

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1..... 0  
2-5..... 1  
6-9..... 2  
10 or more..... 3

Score 0

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... 3

Score 3

### Prior Probation or Parole Revocation

If Yes..... 1

Score 1

Drug Case Study #3

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

0..... 0  
1-2..... 1  
3-4..... 2  
5 or more..... 3

Score 0

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... 2

Score 2

Total Score 17

Drug Case Study #3



## Drug Prison In/Out Worksheet (Cont.)

Total Score **17**

### Recommendation

**1-7 points: Non-Prison**

**8 or more points: Prison**

Drug Case Study #3

## Drug Prison Sentence Length Worksheet

Defendant Daniel Morris Case Number CC2003000285

### Most Serious Conviction Offense

Felony DUI/Possession of Marihuana .....	42
Unlawful Possession of a Controlled Substance .....	71
Sale/Distribution of Marihuana (other than to minor).....	84
Sale/Distribution of Schedule I-V (other than to minor).....	113

Score **113**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	15
2.....	29
3.....	44
4 or more.....	58

Score **15**

Drug Case Study #3

## Drug Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0
1.....	10
2.....	20
3.....	30
4.....	40
5 or more .....	50

Score 30

### Number of Prior Adult Felony Class C Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	28
5.....	35
6.....	43
7 or more.....	50

Score 7

Drug Case Study #3

## Drug Prison Sentence Length Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....14

Score 14

Total Score 179

Drug Case Study #3

## Drug Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>176</b>	36	70	104	12	20	27
<b>177</b>	36	70	104	12	24	36
<b>178</b>	36	70	104	12	24	36
<b>181</b>	45	87	130	16	26	36
<b>182</b>	45	87	130	16	26	36
<b>183</b>	45	87	130	16	26	36
<b>184</b>	45	87	130	16	26	36
<b>185</b>	45	87	130	16	26	36

This view only represents a small portion of the entire standards table.

Drug Case Study #3

## Drug Case Study #4

## Drug Prison In/Out Worksheet

Defendant Carter Williams Case Number CC2005000432

### Most Serious Conviction Offense

Possession of Marihuana or Controlled Substance ..... 1  
Felony DUI ..... 4  
Sale/Distribution of Marihuana (other than to minor)..... 6  
Sale/Distribution of Schedule I-V (other than to minor)..... 6

Score 4

### Number of Prior Adult Felony Convictions

None ..... 0  
1 ..... 2  
2 ..... 3  
3 ..... 5  
4 ..... 6  
5 or more ..... 7

Score 0

Drug Case Study #4

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1 ..... 0  
2-5 ..... 1  
6-9 ..... 2  
10 or more ..... 3

Score 1

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes ..... 3

Score 0

### Prior Probation or Parole Revocation

If Yes ..... 1

Score 0

Drug Case Study #4

## Drug Prison In/Out Worksheet (Cont.)

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

0.....	0
1-2.....	1
3-4.....	2
5 or more.....	3

Score **1**

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... 2

Score **0**

Total Score **6**

Drug Case Study #4

## Drug Prison In/Out Worksheet (Cont.)

Total Score **6**

### Recommendation

**1-7 points: Non-Prison**

**8 or more points: Prison**

Drug Case Study #4

## Drug Prison Sentence Length Worksheet

Defendant Carter Williams Case Number CC2005000432

### Most Serious Conviction Offense

Felony DUI/Possession of Marihuana .....	42
Unlawful Possession of a Controlled Substance .....	71
Sale/Distribution of Marihuana (other than to minor).....	84
Sale/Distribution of Schedule I-V (other than to minor).....	113

Score **42**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	15
2.....	29
3.....	44
4 or more.....	58

Score **0**

Drug Case Study #4

## Drug Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0
1.....	10
2.....	20
3.....	30
4.....	40
5 or more .....	50

Score **0**

### Number of Prior Adult Felony Class C Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	28
5.....	35
6.....	43
7 or more.....	50

Score **0**

Drug Case Study #4

## Drug Prison Sentence Length Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....14

Score

0

Total Score

42

Drug Case Study #4

## Drug Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
42	13	23	32	6	9	12
49	13	23	32	6	10	14
52	13	23	32	6	10	14
56	13	23	32	6	10	14
57	13	23	32	6	10	14
59	13	23	32	6	10	14
62	13	23	32	6	10	14
64	13	23	32	6	10	14

This view only represents a small portion of the entire standards table.

Drug Case Study #4

## Voluntary Sentencing Standards & Worksheets

The Property offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Burglary I – 275 points  
§13A-7-5

Burglary II – 70 points  
§13A-7-6

Theft of Property I – 58 points  
§13A-8-3

Receiving Stolen Property I – 58 points  
§13A-8-17

Theft of Property II – 46 points  
§13A-8-4

Receiving Stolen Property II – 46 points  
§13A-8-18

Burglary III – 45 points  
§13A-7-7

Forgery II – 44 points  
§13A-9-3

Possession of a Forged Instrument II – 42 points  
§13A-9-6

Possession/Use Credit/Debit Card – 39 points  
§13A-9-14

Unauthorized Use<sup>1</sup>/B&E Vehicle – 32 points  
§13A-8-11 (a)(4) & (b)

---

<sup>1</sup> Only includes felony Unauthorized Use of a Motor Vehicle, Section 13A-8-11, Code of Alabama 1975.



# INSTRUCTIONS - - Property Prison In/Out Worksheet

1

## Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2

## Sentencing Factors Section

Complete prior to sentencing.

3

## Most Serious Conviction Offense –

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

4

## Number of Prior Adult Felony

**Convictions-** Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5

## Number of Prior Adult Convictions for

**Same Felony** - Count all felony convictions for the same offense that occurred prior to the arrest date of the most serious offense being sentenced at the current sentencing event. Only count those offenses where the crime and the degree are identical to the current offense. For instance, if the current most serious offense is Burglary I, then a prior Burglary II or III conviction would not be scored.

6

## Number of Prior Adult Convictions for

**Misdemeanors or Violations** - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

7

## Prior Incarceration with Sentence

**Imposed of 1 Year or More** - Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

8

## Prior Incarceration with Sentence

**Imposed of Less Than 1 Year** - Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

9

## Prior Probation or Parole Revocation -

Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

10

## Number of Prior Juvenile Delinquency or Youthful Offender Adjudications -

Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #6.*

11

## Possession/Use of a Deadly Weapon or

**Dangerous Instrument** - Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely “loot” or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

12

**Injury to Victim** – Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet, physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

13

## Recommendation Section

**Total Score** – Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 8 through 14 points, then a non-prison sentence is recommended for the offender. If the total score is 15 or more points, a prison sentence is recommended.

14

**Non-Prison: 8-14 Points** Several options are given for imposing a non-prison sentence are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option.

*Probation* should be checked if the offender is sentenced to traditional probation.

*Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation.

*County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: A sentence to the county jail and/or county work release is considered a non-prison sentence.*

*Other Alternative* should be checked when a non-prison alternative, other than those listed, is used.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

15

**Prison: 15 or more points** Several prison alternatives are provided.

*Department of Corrections* should be checked if the sentence is a straight prison sentence. *DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program.

*DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

16

## Reason Recommendation Not Accepted –

Complete only on the copy of the worksheet provided to the court clerk. If the sentencing judge decides that the In/Out recommendation does not fit this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

Please Print

# Property Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge \_\_\_\_\_ DA/Asst. DA \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Defense Attorney \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
**2** List Additional Cases Sentenced for this Event \_\_\_\_\_

**3** Most Serious Conviction Offense \_\_\_\_\_ Please circle one offense

Possession/Use Credit/Debit Card .....	8	Burglary III .....	11
Possession Forged Instrument II, Forgery II, .....		Burglary II .....	13
Theft of Prop II, Receive Stolen Prop II .....	9	Burglary I .....	14
Theft of Prop I, Receive Stolen Prop I, .....			
Unauthorized Use/B&E Vehicle .....	10		

Score

**4** Number of Prior Adult Felony Convictions \_\_\_\_\_

None .....	0
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score

**5** Number of Prior Adult Convictions for Same Felony \_\_\_\_\_

None .....	0
1 .....	1
2 .....	2
3-4 .....	3
5 or more .....	4

Score

**6** Number of Prior Adult Convictions for Misdemeanors or Violations \_\_\_\_\_

0-1 .....	0
2-5 .....	1
6-9 .....	2
10 or more .....	3

Score

**7** Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 6

Score

**8** Prior Incarceration with Sentence Imposed of Less Than 1 Year \_\_\_\_\_

If Yes ..... 3

Score

**9** Prior Probation or Parole Revocation \_\_\_\_\_

If Yes ..... 2

Score

**10** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony) \_\_\_\_\_

None .....	0
1 .....	1
2-3 .....	2
4 .....	3
5 or more .....	4

Score

**11** Possession/Use of a Deadly Weapon or Dangerous Instrument \_\_\_\_\_

If Yes ..... 1

Score

**12** Injury to Victim \_\_\_\_\_

If Yes ..... 2

Score

## Recommendation

**13** Total Score

**14** 8-14 points: Non-Prison

Probation \_\_\_\_\_ Community Corrections Probation \_\_\_\_\_

County Jail/Work Release \_\_\_\_\_ Other Alternative \_\_\_\_\_

**16** Reason Recommendation Not Accepted \_\_\_\_\_

**15** 15 or more points: Prison

Department of Corrections \_\_\_\_\_

DOC at Community Corrections \_\_\_\_\_

DOC Split Sentence \_\_\_\_\_

# INSTRUCTIONS - - Property Prison Sentence Length Worksheet

The Property Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

**1 Case Information Section**  
Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

**2 Sentencing Factors Section**  
Complete prior to sentencing.

**3 Most Serious Conviction Offense** - The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

**4 Number of Additional Felony Convictions (Including Counts)** - The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions. This does not include prior convictions - they are counted elsewhere.

**5 Number of Prior Adult Felony Convictions** - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

**6 Number of Prior Adult Felony Property Convictions** - Count only the number of felony property convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

**7 Prior Incarceration with Sentence Imposed of 1 Year or More** - Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

**8 Prior Probation or Parole Revocation** - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

**9 Possession/Use of a Deadly Weapon or a Dangerous Instrument and/or Injury to Victim** - Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

Additionally, this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

**10 Acquired a Firearm During Offense** - Count this if a firearm was acquired during the commission of the offense(s) being scored at the current sentencing event.

## Prison Sentence Length Recommendation

**11 Total Score** - Total the scores from the Sentencing Factors Section.

**12 Recommended Sentence Range** - Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as "straight". Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the

standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

**13 Actual Sentence Imposed** - Enter the actual sentence imposed, including the split if a split is imposed.  
*Example:* 36 months, split to serve 12 months with 24 months probation.  
*Example:* 60 months, split to serve 24 months with 12 months probation.  
*Example:* 60 months  
*Note:* the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.

**Reason Recommendation Not Accepted** - If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

### More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

### Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

## Property Prison Sentence Length Worksheet

2 **1** Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

**3** Most Serious Conviction Offense \_\_\_\_\_

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Receive Stolen Prop II .....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Receive Stolen Prop I .....	58
Possession Forged Instrument II .....	42	Burglary II .....	70
Forgery II .....	44	Burglary I .....	275
Burglary III .....	45		

Score

**4** Number of Additional Felony Convictions (Including Counts) \_\_\_\_\_

None .....	0
1 .....	5
2 .....	10
3 or more .....	15

Score

**5** Number of Prior Adult Felony Convictions \_\_\_\_\_

None .....	0	6 .....	72
1 .....	12	7 .....	84
2 .....	24	8 .....	97
3 .....	36	9 .....	109
4 .....	48	10 or more .....	121
5 .....	60		

Score

**6** Number of Prior Adult Felony Property Convictions \_\_\_\_\_

None .....	0
1 .....	7
2 .....	14
3 .....	21
4 .....	27
5 or more .....	34

Score

**7** Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 15

Score

**8** Prior Probation or Parole Revocation \_\_\_\_\_

If Yes ..... 7

Score

**9** Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim \_\_\_\_\_

If Yes ..... 37

Score

**10** Acquired a Firearm During Offense \_\_\_\_\_

If Yes ..... 12

Score

See Prison Sentence Length  
Recommendation Table

**11** Total Score

**12** Recommended Sentence Range \_\_\_\_ to \_\_\_\_ (straight) \_\_\_\_ to \_\_\_\_ (split)

**13** Actual Sentence Imposed \_\_\_\_\_

**14** Reason did **not** accept sentence length recommendation \_\_\_\_\_

## Property Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
32	13	18	23	6	9	12
37	13	22	31	6	9	12
39	13	22	31	6	9	12
42	13	22	31	6	9	12
44	13	22	31	6	9	12
45	13	22	31	6	9	12
46	13	22	31	6	9	12
47	13	22	31	6	9	12
49	14	23	31	6	9	12
51	14	23	31	6	9	12
52	14	27	38	6	9	12
53	14	27	38	6	9	12
54	14	27	38	6	9	12
55	14	27	38	6	9	12
56	14	31	46	6	9	12
57	14	31	46	6	9	12
58	14	31	46	6	9	12
59	14	31	46	6	9	12
60	14	31	46	6	9	12
61	16	31	46	6	9	12
62	16	31	46	6	9	12
63	16	31	46	6	9	12
64	16	31	46	6	9	12
65	16	31	46	6	9	12
66	16	31	46	6	9	12
67	16	31	46	6	9	12
68	16	31	46	6	9	12
69	16	31	46	6	9	12
70	16	31	46	6	9	12
71	19	32	46	6	9	12
72	19	32	46	6	9	12
73	19	32	46	6	9	12
74	19	32	46	6	9	12
75	19	32	46	6	9	12
76	19	36	54	6	9	12
77	19	36	54	6	9	12
78	22	42	61	6	9	12
79	22	42	61	6	9	12
80	22	42	61	6	9	12
81	22	42	61	6	9	12
82	22	42	61	6	9	12
83	22	42	61	6	9	12
84	22	42	61	6	9	12
85	22	42	61	6	9	12
86	22	42	61	6	9	12
87	22	42	61	6	9	12
88	22	42	61	6	9	12

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
89	22	42	61	6	12	19
90	22	45	69	6	12	19
91	22	45	69	6	12	19
92	22	45	69	6	12	19
93	22	45	69	6	12	19
94	22	45	69	6	12	19
95	22	45	69	6	12	19
96	22	45	69	6	12	19
97	22	45	69	6	12	19
98	22	45	69	6	12	19
99	22	49	77	6	12	19
100	22	49	77	6	12	19
101	22	68	115	6	12	19
102	22	68	115	6	12	19
103	22	68	115	6	12	19
104	22	68	115	6	12	19
105	22	68	115	6	12	19
106	24	70	115	6	12	19
107	27	71	115	6	12	19
108	27	71	115	6	12	19
109	27	71	115	6	12	19
110	27	71	115	6	12	19
111	27	71	115	6	12	19
112	27	71	115	6	12	19
113	27	71	115	6	12	19
114	27	71	115	6	12	19
115	27	71	115	6	12	19
116	27	71	115	6	12	19
117	27	71	115	6	12	19
118	32	74	115	6	12	19
119	54	85	115	6	12	19
120	54	85	115	6	12	19
121	54	85	115	6	12	19
122	54	85	115	6	12	19
123	54	85	115	6	12	19
124	54	85	115	6	12	19
125	54	85	115	6	12	19
126	54	85	115	6	12	19
127	54	85	115	6	12	19
128	54	85	115	6	12	19
129	54	85	115	6	12	19
130	54	85	115	6	12	19
131	54	85	115	6	12	19
132	54	85	115	6	12	19
133	54	85	115	6	12	19
134	54	85	115	6	12	19
135	54	85	115	6	12	19
136	54	85	115	6	12	19
137	54	85	115	6	12	19
138	54	85	115	6	12	19

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>139</b>	54	85	115	6	12	19
<b>140</b>	54	85	115	6	12	19
<b>141</b>	54	85	115	6	12	19
<b>142</b>	54	85	115	6	12	19
<b>143</b>	54	85	115	6	12	19
<b>144</b>	76	95	115	6	12	19
<b>145</b>	76	95	115	6	12	19
<b>146</b>	76	95	115	6	12	19
<b>147</b>	76	95	115	6	12	19
<b>148</b>	76	95	115	6	12	19
<b>149</b>	76	95	115	6	12	19
<b>150</b>	76	95	115	6	12	19
<b>151</b>	76	95	115	12	15	19
<b>152</b>	76	95	115	12	15	19
<b>153</b>	76	95	115	12	15	19
<b>154</b>	76	95	115	12	15	19
<b>155</b>	76	95	115	12	15	19
<b>156</b>	76	95	115	12	15	19
<b>157</b>	76	95	115	12	15	19
<b>158</b>	76	95	115	12	15	19
<b>159</b>	76	95	115	12	15	19
<b>160</b>	76	95	115	12	15	19
<b>161</b>	76	95	115	12	15	19
<b>162</b>	76	95	115	12	15	19
<b>163</b>	76	95	115	12	15	19
<b>164</b>	76	95	115	12	15	19
<b>165</b>	76	95	115	12	15	19
<b>166</b>	76	95	115	12	15	19
<b>167</b>	76	95	115	12	15	19
<b>168</b>	81	102	123	12	15	19
<b>169</b>	81	102	123	12	15	19
<b>170</b>	81	102	123	12	18	25
<b>171</b>	81	102	123	12	18	25
<b>172</b>	81	102	123	12	18	25
<b>173</b>	81	102	123	12	18	25
<b>174</b>	81	102	123	12	18	25
<b>175</b>	81	102	123	12	18	25
<b>176</b>	81	102	123	12	18	25
<b>177</b>	81	102	123	12	18	25
<b>178</b>	81	102	123	12	18	25
<b>179</b>	81	102	123	12	18	25
<b>180</b>	81	102	123	12	18	25
<b>181</b>	81	102	123	12	18	25
<b>182</b>	81	102	123	12	18	25
<b>183</b>	81	102	123	12	18	25
<b>184</b>	81	102	123	12	18	25
<b>185</b>	81	102	123	12	18	25
<b>186</b>	81	102	123	12	18	25
<b>187</b>	81	102	123	12	18	25
<b>188</b>	81	102	123	12	18	25

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>189</b>	81	102	123	12	18	25
<b>190</b>	81	102	123	12	18	25
<b>191</b>	81	102	123	12	18	25
<b>192</b>	81	117	154	12	18	25
<b>195</b>	81	117	154	12	18	25
<b>197</b>	81	117	154	12	18	25
<b>198</b>	81	117	154	12	18	25
<b>199</b>	81	117	154	12	18	25
<b>201</b>	81	117	154	12	18	25
<b>202</b>	81	117	154	12	18	25
<b>204</b>	81	117	154	12	18	25
<b>205</b>	81	117	154	12	18	25
<b>206</b>	81	117	154	12	22	31
<b>207</b>	81	117	154	12	22	31
<b>208</b>	81	117	154	12	22	31
<b>209</b>	81	117	154	12	22	31
<b>210</b>	81	117	154	12	22	31
<b>211</b>	81	117	154	12	22	31
<b>213</b>	81	117	154	12	22	31
<b>214</b>	81	117	154	12	22	31
<b>215</b>	81	117	154	18	25	31
<b>216</b>	81	117	154	18	25	31
<b>217</b>	81	117	154	18	25	31
<b>219</b>	81	117	154	18	25	31
<b>220</b>	81	117	154	18	25	31
<b>222</b>	81	117	154	18	25	31
<b>223</b>	81	117	154	18	25	31
<b>225</b>	81	117	154	18	25	31
<b>228</b>	81	117	154	18	25	31
<b>232</b>	81	117	154	18	25	31
<b>233</b>	81	117	154	18	25	31
<b>235</b>	81	117	154	18	25	31
<b>245</b>	81	117	154	18	25	31
<b>246</b>	81	117	154	18	25	31
<b>250</b>	81	117	154	18	25	31
<b>260</b>	81	117	154	18	25	31
<b>274</b>	81	117	154	18	25	31
<b>275</b>	120	135	156	24	30	36
<b>280</b>	120	135	156	24	30	36
<b>282</b>	120	135	156	24	30	36
<b>285</b>	120	135	156	24	30	36
<b>287</b>	120	135	156	24	30	36
<b>290</b>	120	135	156	24	30	36
<b>292</b>	120	135	156	24	30	36
<b>294</b>	120	135	156	24	30	36
<b>299</b>	120	135	156	24	30	36
<b>302</b>	120	135	156	24	30	36
<b>304</b>	120	135	156	24	30	36
<b>306</b>	120	135	156	24	30	36
<b>308</b>	120	135	156	24	30	36



<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>309</b>	120	135	156	24	30	36
<b>311</b>	120	135	156	24	30	36
<b>312</b>	120	135	156	24	30	36
<b>313</b>	120	135	156	24	30	36
<b>314</b>	120	135	156	24	30	36
<b>317</b>	120	135	156	24	30	36
<b>318</b>	120	150	180	24	30	36
<b>320</b>	120	150	180	24	30	36
<b>321</b>	120	150	180	24	30	36
<b>323</b>	120	150	180	24	30	36
<b>324</b>	120	150	180	24	30	36
<b>326</b>	120	150	180	24	30	36
<b>329</b>	120	150	180	24	30	36
<b>331</b>	120	150	180	24	30	36
<b>333</b>	120	150	180	24	30	36
<b>335</b>	120	150	180	24	30	36
<b>336</b>	120	150	180	24	30	36
<b>338</b>	120	150	180	24	30	36
<b>339</b>	120	150	180	24	30	36
<b>341</b>	120	150	180	24	30	36
<b>342</b>	120	150	180	24	30	36
<b>343</b>	120	150	180	24	30	36
<b>345</b>	120	150	180	24	30	36
<b>347</b>	120	150	180	24	30	36
<b>350</b>	120	150	180	24	30	36
<b>351</b>	120	150	180	24	30	36
<b>353</b>	144	192	240	36	48	60
<b>356</b>	144	192	240	36	48	60
<b>358</b>	144	192	240	36	48	60
<b>359</b>	144	192	240	36	48	60
<b>362</b>	144	192	240	36	48	60
<b>363</b>	144	192	240	36	48	60
<b>364</b>	144	192	240	36	48	60
<b>369</b>	144	192	240	36	48	60
<b>370</b>	144	192	240	36	48	60
<b>375</b>	144	192	240	36	48	60
<b>380</b>	144	192	240	36	48	60
<b>382</b>	144	192	240	36	48	60
<b>385</b>	144	192	240	36	48	60
<b>396</b>	144	192	240	36	48	60
<b>404</b>	144	192	240	36	48	60
<b>418</b>	144	192	240	36	48	60

**Property Worksheets and Standards**  
**Case Study # 1**

Name: Sally Johnson

Case Number: CC20050008645

Ms. Johnson has been convicted of *Receiving Stolen Property I and Unlawful Use of a Credit/Debit Card (6 counts)*. She is being sentenced for each of these offenses today.

Criminal History:

- *Convicted – Theft of Property I – Received a 3 year prison sentence*
  - *Revoked Probation*
  - *Convicted – Unlawful Use of a Credit/Debit Card – Received 14 months probation*
  - *Convicted – Theft of Property III – Received 60 days in the county jail*
  - *Convicted – Speeding*
  - *Adjudicated YO (Unlawful Possession of a Controlled Substance) – Received 14 months probation*
- 

**Property Case Study # 2**

Name: Barry Wallace

Case Number: CC20050000274

Mr. Wallace has entered a guilty plea for *Burglary II*. During the commission of the offense, Mr. Wallace stole a 12-gauge shotgun. Mrs. Jones slept through the burglary undisturbed in her bedroom. No one encountered him as he was leaving the scene of the crime. He is being sentenced today.

Criminal History:

- *Convicted – Theft of Property II – Received a 3 year prison sentence*
- *Convicted – Theft of Property II – Received 2 years probation*
- *Convicted – Unlawful Possession of Marihuana II – Received 6 months probation*

### Property Case Study # 3

Name: Kathy Aldridge

Case Number: CC2005000369

Ms. Aldridge has entered guilty pleas for *Theft of Property I*, *Theft of Property II (3 counts)*, *Forgery II* and *Theft of Property III*. She is being sentenced for each of these offenses today.

#### Criminal History:

- *Convicted – Possession of Marihuana II – Received 6 months probation*
  - *Convicted – Harassment – Received 3 months probation*
  - *Revoked Parole*
  - *Convicted – Theft of Property I – Received a 2 year prison sentence*
  - *Convicted – Theft of Property III – Received 6 months probation*
  - *Convicted – Theft of Property III – Received 3 months probation*
  - *Convicted – Speeding*
  - *Convicted – Harassing Communications – Received 3 months probation*
  - *Convicted – Theft of Property II – Received 16 months probation*
- 

### Property Case Study # 4

Name: Johnny Brown

Case Number: CC2005000065

Mr. Brown has entered a guilty plea for *Forgery II*. He is being sentenced for this offense today.

#### Criminal History:

- *Convicted – DUI – Received a \$250 fine*

# Property Case Study #1

## Property Prison In/Out Worksheet

Defendant Sally Johnson Case Number CC2005008645

Judge Judge Harris DA/Asst. DA Asst DA Alexander

Worksheet Preparer, Title Jamie Thornton – Clerk

List Additional Cases Sentenced for this Event

CC2005008646

## Property Prison In/Out Worksheet (Cont.)

### Most Serious Conviction Offense

Possession/Use Credit/Debit Card .....	8	Burglary III.....	11
Possession Forged Instrument II, Forgery II,		Burglary II.....	13
Theft of Prop II, Rec. Stolen Prop II .....	9	Burglary I.....	14
Theft of Prop I, Rec. Stolen Prop I,			
Unauthorized Use/B&E Vehicle.....	(10)		

**Score** 10

### Number of Prior Adult Felony Convictions

None.....	0
(1-2) .....	(1)
3-4 .....	2
5 or more .....	3

**Score** 1

Property Case Study #1

## Property Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Same Felony

(None) .....	(0)
1 .....	1
2 .....	2
3-4 .....	3
5 or more .....	4

**Score** 0

### Number of Prior Adult Convictions for Misdemeanors or Violations

(0-1) .....	(0)
2-5 .....	1
6-9 .....	2
10 or more .....	3

**Score** 0

### Prior Incarceration with Sentence Imposed of 1 Year or More

(If Yes) .....	(6)
----------------	-----

**Score** 6

Property Case Study #1

## Property Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes..... ③

Score **3**

### Prior Probation or Parole Revocation

If Yes..... ②

Score **2**

### Number of Prior Juvenile Delinquency or YO Adjudications (Viol/Misd/Felony)

None..... 0  
①..... ①  
2-3..... 2  
4..... 3  
5 or more..... 4

Score **1**

Property Case Study #1

## Property Prison In/Out Worksheet (Cont.)

### Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes..... 1

Score **0**

### Injury to Victim

If Yes..... 2

Score **0**

Total Score **23**

Property Case Study #1

## Property Prison In/Out Worksheet (Cont.)

Total Score **23**

### Recommendation

**8-14 points: Non-Prison**

**15 or more points: Prison**

Property Case Study #1

## Property Prison Sentence Length Worksheet

Defendant Sally Johnson Case Number CC2005008645

### Most Serious Conviction Offense

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Rec. Stolen Prop II....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Rec. Stolen Prop I....	58
Possession Forged Instrument II.....	42	Burglary II .....	70
Forgery II.....	44	Burglary I .....	275
Burglary III.....	45		

Score **58**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	5
2.....	10
3 or more.....	15

Score **15**

Property Case Study #1

## Property Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0	6.....	72
1.....	12	7.....	84
2.....	24	8.....	97
3.....	36	9.....	109
4.....	48	10 or more.....	121
5.....	60		

Score **24**

### Number of Prior Adult Felony Property Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	27
5 or more.....	34

Score **14**

Property Case Study #1

## Property Prison Sentence Length Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....15

Score **15**

### Prior Probation or Parole Revocation

If Yes.....7

Score **7**

### Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim

If Yes.....37

Score **0**

Property Case Study #1



## Property Prison Sentence Length Worksheet (Cont.)

### Acquired a Firearm During Offense

If Yes.....12

Score

0

Total Score

133

Property Case Study #1

## Property Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>132</b>	54	85	115	6	12	19
<b>133</b>	54	85	115	6	12	19
<b>134</b>	54	85	115	6	12	19
<b>135</b>	54	85	115	6	12	19
<b>136</b>	54	85	115	6	12	19
<b>137</b>	54	85	115	6	12	19
<b>138</b>	54	85	115	6	12	19
<b>139</b>	54	85	115	6	12	19

This view only represents a small portion of the entire standards table.

Property Case Study #1

# Property Case Study #2

## Property Prison In/Out Worksheet

Defendant Barry Wallace Case Number 20050000274

### Most Serious Conviction Offense

Possession/Use Credit/Debit Card .....	8	Burglary III.....	11
Possession Forged Instrument II, Forgery II,		Burglary II.....	13
Theft of Prop II, Rec. Stolen Prop II .....	9	Burglary I.....	14
Theft of Prop I, Rec. Stolen Prop I,			
Unauthorized Use/B&E Vehicle.....	10		

Score **13**

### Number of Prior Adult Felony Convictions

None.....	0
1-2.....	1
3-4 .....	2
5 or more .....	3

Score **1**

## Property Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Same Felony

None..... 0  
1..... 1  
2..... 2  
3-4..... 3  
5 or more..... 4

Score 0

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1..... 0  
2-5..... 1  
6-9..... 2  
10 or more..... 3

Score 0

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... 6

Score 6

Property Case Study #2

## Property Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes..... 3

Score 0

### Prior Probation or Parole Revocation

If Yes..... 2

Score 0

### Number of Prior Juvenile Delinquency or YO Adjudications (Viol/Misd/Felony)

None..... 0  
1..... 1  
2-3..... 2  
4..... 3  
5 or more..... 4

Score 0

Property Case Study #2

## Property Prison In/Out Worksheet (Cont.)

### Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes..... 1

Score

### Injury to Victim

If Yes..... 2

Score

Total Score

Property Case Study #2

## Property Prison In/Out Worksheet (Cont.)

Total Score

### Recommendation

8-14 points: Non-Prison

Property Case Study #2

## Property Prison Sentence Length Worksheet

Defendant Barry Wallace Case Number CC2005000274

### Most Serious Conviction Offense

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Rec. Stolen Prop II....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Rec. Stolen Prop I.....	58
Possession Forged Instrument II.....	42	Burglary II .....	70
Forgery II.....	44	Burglary I .....	275
Burglary III.....	45		

Score **70**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	5
2.....	10
3 or more.....	15

Score **0**

Property Case Study #2

## Property Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0	6.....	72
1.....	12	7.....	84
2.....	24	8.....	97
3.....	36	9.....	109
4.....	48	10 or more.....	121
5.....	60		

Score **24**

### Number of Prior Adult Felony Property Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	27
5 or more.....	34

Score **14**

Property Case Study #2

Property Prison Sentence Length Worksheet (Cont.)

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....15

Score 15

Prior Probation or Parole Revocation

If Yes.....7

Score 0

Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim

If Yes.....37

Score 0

Property Prison Sentence Length Worksheet (Cont.)

Acquired a Firearm During Offense

If Yes.....12

Score 12

Total Score 135

## Property Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>132</b>	54	85	115	6	12	19
<b>133</b>	54	85	115	6	12	19
<b>134</b>	54	85	115	6	12	19
<b>135</b>	54	85	115	6	12	19
<b>136</b>	54	85	115	6	12	19
<b>137</b>	54	85	115	6	12	19
<b>138</b>	54	85	115	6	12	19
<b>139</b>	54	85	115	6	12	19

This view only represents a small portion of the entire standards table.

Property Case Study #2

## Property Case Study #3

## Property Prison In/Out Worksheet

Defendant Kathy Aldridge Case Number CC2005000369

### Most Serious Conviction Offense

Possession/Use Credit/Debit Card .....	8	Burglary III.....	11
Possession Forged Instrument II, Forgery II,		Burglary II.....	13
Theft of Prop II, Rec. Stolen Prop II .....	9	Burglary I.....	14
<div style="border: 1px solid black; padding: 2px;">Theft of Prop I, Rec. Stolen Prop I,</div>			
Unauthorized Use/B&E Vehicle.....	(10)		

**Score** 10

### Number of Prior Adult Felony Convictions

None.....	0
(1-2) .....	(1)
3-4 .....	2
5 or more .....	3

**Score** 1

Property Case Study #3

## Property Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Same Felony

None.....	0
(1) .....	(1)
2.....	2
3-4.....	3
5 or more.....	4

**Score** 1

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1.....	0
(2-5) .....	(1)
6-9.....	2
10 or more.....	3

**Score** 1

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... (6)

**Score** 6

Property Case Study #3



## Property Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes..... 3

Score **0**

### Prior Probation or Parole Revocation

If Yes..... 2

Score **2**

### Number of Prior Juvenile Delinquency or YO Adjudications (Viol/Misd/Felony)

None..... 0  
1..... 1  
2-3..... 2  
4..... 3  
5 or more..... 4

Score **0**

Property Case Study #3

## Property Prison In/Out Worksheet (Cont.)

### Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes..... 1

Score **0**

### Injury to Victim

If Yes..... 2

Score **0**

Total Score **21**

Property Case Study #3

## Property Prison In/Out Worksheet (Cont.)

Total Score **21**

### Recommendation

8-14 points: Non-Prison

**15 or more points: Prison**

Property Case Study #3

## Property Prison Sentence Length Worksheet

Defendant Kathy Aldridge Case Number CC2005000369

### Most Serious Conviction Offense

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Rec. Stolen Prop II....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Rec. Stolen Prop I....	58
Possession Forged Instrument II.....	42	Burglary II .....	70
Forgery II.....	44	Burglary I .....	275
Burglary III.....	45		

Score **58**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	5
2.....	10
3 or more.....	15

Score **15**

Property Case Study #3

## Property Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0	6.....	72
1.....	12	7.....	84
2.....	24	8.....	97
3.....	36	9.....	109
4.....	48	10 or more.....	121
5.....	60		

Score **24**

### Number of Prior Adult Felony Property Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	27
5 or more.....	34

Score **14**

Property Case Study #3

## Property Prison Sentence Length Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....15

Score **15**

### Prior Probation or Parole Revocation

If Yes.....7

Score **7**

### Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim

If Yes.....37

Score **0**

Property Case Study #3

## Property Prison Sentence Length Worksheet (Cont.)

### Acquired a Firearm During Offense

If Yes.....12

Score

0

Total Score

133

Property Case Study #3

## Property Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>132</b>	54	85	115	6	12	19
<b>133</b>	54	85	115	6	12	19
<b>134</b>	54	85	115	6	12	19
<b>135</b>	54	85	115	6	12	19
<b>136</b>	54	85	115	6	12	19
<b>137</b>	54	85	115	6	12	19
<b>138</b>	54	85	115	6	12	19
<b>139</b>	54	85	115	6	12	19

This view only represents a small portion of the entire standards table.

Property Case Study #3

# Property Case Study #4

## Property Prison In/Out Worksheet

Defendant Johnny Brown Case Number CC2005000065

### Most Serious Conviction Offense

Possession/Use Credit/Debit Card .....	8	Burglary III.....	11
Possession Forged Instrument II, <u>Forgery II,</u>		Burglary II.....	13
Theft of Prop II, Rec. Stolen Prop II .....	<u>9</u>	Burglary I.....	14
Theft of Prop I, Rec. Stolen Prop I,			
Unauthorized Use/B&E Vehicle.....	10		

Score **9**

### Number of Prior Adult Felony Convictions

<u>None</u> .....	<u>0</u>
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score **0**

## Property Prison In/Out Worksheet (Cont.)

### Number of Prior Adult Convictions for Same Felony

None..... 0  
1 ..... 1  
2 ..... 2  
3-4 ..... 3  
5 or more..... 4

Score **0**

### Number of Prior Adult Convictions for Misdemeanors or Violations

0-1..... 0  
2-5 ..... 1  
6-9 ..... 2  
10 or more..... 3

Score **0**

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... 6

Score **0**

Property Case Study #4

## Property Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes..... 3

Score **0**

### Prior Probation or Parole Revocation

If Yes..... 2

Score **0**

### Number of Prior Juvenile Delinquency or YO Adjudications (Viol/Misd/Felony)

None..... 0  
1 ..... 1  
2-3 ..... 2  
4 ..... 3  
5 or more..... 4

Score **0**

Property Case Study #4

## Property Prison In/Out Worksheet (Cont.)

### Possession/Use of a Deadly Weapon or Dangerous Instrument

If Yes..... 1

Score

### Injury to Victim

If Yes..... 2

Score

Total Score

Property Case Study #4

## Property Prison In/Out Worksheet (Cont.)

Total Score

### Recommendation

15 or more points: Prison

Property Case Study #4

## Property Prison Sentence Length Worksheet

Defendant Johnny Brown Case Number CC2005000065

### Most Serious Conviction Offense

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Rec. Stolen Prop II....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Rec. Stolen Prop I.....	58
Possession Forged Instrument II.....	42	Burglary II .....	70
Forgery II.....	44	Burglary I .....	275
Burglary III.....	45		

Score **44**

### Number of Additional Felony Convictions (including counts)

None.....	0
1.....	5
2.....	10
3 or more.....	15

Score **0**

Property Case Study #4

## Property Prison Sentence Length Worksheet (Cont.)

### Number of Prior Adult Felony Convictions

None.....	0	6.....	72
1.....	12	7.....	84
2.....	24	8.....	97
3.....	36	9.....	109
4.....	48	10 or more.....	121
5.....	60		

Score **0**

### Number of Prior Adult Felony Property Convictions

None.....	0
1.....	7
2.....	14
3.....	21
4.....	27
5 or more.....	34

Score **0**

Property Case Study #4



Property Prison Sentence Length Worksheet (Cont.)

Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes.....15

Score 0

Prior Probation or Parole Revocation

If Yes.....7

Score 0

Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim

If Yes.....37

Score 0

Property Prison Sentence Length Worksheet (Cont.)

Acquired a Firearm During Offense

If Yes.....12

Score 0

Total Score 44

## Property Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>32</b>	13	18	23	6	9	12
<b>37</b>	13	22	31	6	9	12
<b>39</b>	13	22	31	6	9	12
<b>42</b>	13	22	31	6	9	12
<b>44</b>	13	22	31	6	9	12
<b>45</b>	13	22	31	6	9	12
<b>46</b>	13	22	31	6	9	12
<b>47</b>	13	22	31	6	9	12

This view only represents a small portion of the entire standards table.

## **Voluntary Sentencing Standards & Worksheets**

The Personal offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Murder – 728 points  
§13A-6-2

Rape I – 386 points  
§13A-6-61

Robbery I – 374 points  
§13A-8-41

Manslaughter – 238 points  
§13A-6-3

Sodomy I – 235 points  
§13A-6-63

Robbery II – 173 points  
§13A-8-42

Assault I – 148 points  
§13A-6-20

Rape II – 129 points  
§13A-6-62

Robbery III – 89 points  
§13A-8-43

Sodomy II – 81 points  
§13A-6-64

Assault II – 72 points  
§13A-6-21

# INSTRUCTIONS - - Personal Prison In/Out Worksheet

**1 Case Information Section**  
Complete prior to sentencing. See the General Instructions to complete this section.

**2 Sentencing Factors Section**  
Complete prior to sentencing.

**3 Most Serious Conviction Offense –**  
Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.  
*Note: Rape I or II or Sodomy I or II is not a worksheet offense if the victim of the offense is under the age of 12 years old.*

**4 Number of Prior Adult Felony Convictions -** Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

**5 Prior Incarceration with Sentence Imposed of 1 Year or More -** Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

**6 Number of Prior Juvenile Delinquency or Youthful Offender Adjudications (Violation/Misdemeanor/Felony) -** Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in the General Instructions.*

**7 Possession/Use of Deadly Weapon or Dangerous Instrument–** Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely “loot” or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72, Code of Alabama 1975.-Additionally,

this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

**8 Recommendation Section**  
**Total Score –** Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 1 through 7 points, then a non-prison sentence is recommended for the offender. If the total score is 8 or more points, a prison sentence is recommended.

**9 Non-Prison: 1-7 Points** Several options are given for imposing a non-prison sentence. Some of these options are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option. *Probation* should be checked if the offender is sentenced to traditional probation. *Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation. *County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: For worksheet purposes, a sentence to the county jail and/or county work release is considered a non-prison sentence.* *Other Alternative* should be checked when a non-prison alternative, other than those listed, is used. *The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

**10 Prison: 8 or more points** Several prison alternatives are provided. *Department of Corrections* should be checked if the sentence is a straight prison sentence. *DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program. *DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence. *The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible*

*modification of the worksheet recommendations.*

**11 Reason Recommendation Not Accepted**

This section need be completed only on the copy of the worksheet provided to the court clerk. If the sentencing judge decides that the In/Out recommendation does not fit this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender’s history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender’s prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

Please Print

# Personal Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_  
Judge \_\_\_\_\_  
Probation Officer \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
List Additional Cases Sentenced for this Event \_\_\_\_\_

Case No. \_\_\_\_\_  
DA/Asst. DA \_\_\_\_\_  
Defense Attorney \_\_\_\_\_

**2**

**3** Most Serious Conviction Offense

Please circle one offense

Assault II .....	1	Rape II, Sodomy II, Robbery II .....	5
Robbery III .....	3	Rape I, Sodomy I, Manslaughter, Robbery I .....	8
Assault I .....	4	Murder .....	10

Score

**4** Number of Prior Adult Felony Convictions

None .....	0
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	8

Score

**5** Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes ..... 1

Score

**6** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)

None .....	0
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score

**7** Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes ..... 4

Score

## Recommendation

**8** Total Score

**9** 1-7 points: Non-Prison

Probation \_\_\_\_\_  
Community Corrections Probation \_\_\_\_\_  
County Jail/Work Release \_\_\_\_\_  
Other Alternative \_\_\_\_\_

**10** 8 or more points: Prison

Department of Corrections \_\_\_\_\_  
DOC at Community Corrections \_\_\_\_\_  
DOC Split Sentence \_\_\_\_\_

**11** Reason Recommendation Not Accepted

# INSTRUCTIONS - - Personal Prison Sentence Length Worksheet

The Personal Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

## 1 Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

## 2 Sentencing Factors Section

Complete prior to sentencing.

## 3 Most Serious Conviction Offense -

The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

## 4 Number of Prior Adult Felony

**Convictions** - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 5 Number of Prior Incarcerations with Sentence Imposed of 1 Year or More -

Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## 6 Prior Incarceration with Sentence Imposed of Less Than 1 Year -

Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## Prison Sentence Length Recommendation

## 7 Total Score -

Total the scores from the Sentencing Factors Section.

## 8 Recommended Sentence Range -

Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into

a sentence length recommendation.

Record the recommended sentence range for the total sentence in the space identified as "straight". Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

## 9 Actual Sentence Imposed -

Enter the actual sentence imposed, including the split if a split is imposed.

*Example:* 36 months, split to serve 12 months with 24 months probation.

*Example:* 60 months, split to serve 24 months with 12 months probation.

*Example:* 60 months

*Note: the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.*

## Reason Recommendation Not

**Accepted** - If the sentencing judge

decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.

- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison In/Out worksheet.

Please Print **Personal Prison Sentence Length Worksheet**

**1** Defendant \_\_\_\_\_ **Case No.** \_\_\_\_\_

**3 Most Serious Conviction Offense** \_\_\_\_\_

Assault II .....	72	Sodomy I .....	235
Sodomy II .....	81	Manslaughter .....	238
Robbery III .....	89	Robbery I .....	374
Rape II .....	129	Rape I .....	386
Assault I .....	148	Murder .....	728
Robbery II .....	173		

Score

**4 Number of Prior Adult Felony Convictions** \_\_\_\_\_

None .....	0
1 .....	19
2 .....	37
3 .....	56
4 .....	75
5 .....	93
6 .....	112
7 .....	130
8 .....	149
9 .....	168
10 or more .....	186

Score

**5 Number of Prior Incarcerations with Sentence Imposed of 1 Year or More** \_\_\_\_\_

None .....	0
1 .....	51
2 .....	101
3 .....	152
4 .....	202
5 or more .....	253

Score

**6 Prior Incarceration with Sentence Imposed of Less Than 1 Year** \_\_\_\_\_

If Yes ..... 33

Score

**See Prison Sentence Length  
Recommendation Table**

**7 Total Score**

**8** Recommended Sentence Range \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

**9** Actual Sentence Imposed \_\_\_\_\_

**10** Reason did **not** accept sentence length recommendation \_\_\_\_\_

## Personal Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
72	13	37	60	6	15	24
81	13	37	60	6	15	24
89	13	37	60	6	15	24
91	13	37	60	6	15	24
100	13	37	60	3	14	24
105	13	47	80	6	15	24
108	13	47	80	6	15	24
109	13	47	80	6	15	24
122	13	47	80	6	15	24
123	13	47	80	6	15	24
124	13	47	80	6	15	24
126	13	47	80	6	15	24
128	13	47	80	6	15	24
129	39	71	102	6	15	24
132	47	74	102	12	18	24
133	47	74	102	12	18	24
137	47	74	102	12	18	24
141	55	78	102	12	18	24
142	55	99	143	12	24	36
145	55	99	143	12	24	36
147	55	99	143	12	24	36
148	55	99	143	12	24	36
156	55	99	143	12	24	36
159	62	103	143	12	24	36
160	62	103	143	12	24	36
162	62	103	143	12	24	36
164	62	103	143	12	24	36
166	62	108	153	12	24	36
167	78	116	153	12	24	36
169	78	116	153	12	24	36
170	78	116	153	12	24	36
173	78	116	153	12	24	36
175	78	116	153	12	24	36
177	78	116	153	12	24	36
178	78	116	153	12	24	36
179	78	116	153	12	24	36
180	78	116	153	12	24	36
181	78	116	153	12	24	36
182	78	116	153	12	24	36
184	78	116	153	12	24	36
185	78	116	153	12	24	36
192	78	126	173	12	24	36
193	78	126	173	12	24	36
196	78	126	173	12	24	36
197	78	126	173	12	24	36
198	78	126	173	12	24	36
199	78	126	173	12	24	36
200	78	126	173	12	24	36
201	78	126	173	12	24	36



<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
204	78	126	173	12	24	36
206	78	126	173	12	24	36
209	78	126	173	12	24	36
210	78	126	173	12	24	36
215	78	126	173	12	24	36
217	78	126	173	12	24	36
218	78	126	173	12	24	36
219	78	126	173	12	24	36
223	78	126	173	12	24	36
224	78	126	173	12	24	36
225	78	126	173	12	24	36
227	78	126	173	12	24	36
229	78	126	173	12	24	36
230	78	126	173	12	24	36
231	78	126	173	12	24	36
232	78	126	173	18	29	40
233	78	126	173	18	29	40
235	78	126	173	18	29	40
236	78	126	173	18	33	48
237	78	126	173	18	33	48
238	78	126	173	18	33	48
243	78	126	173	18	33	48
248	78	141	204	18	33	48
249	78	141	204	18	33	48
251	78	141	204	18	33	48
252	78	141	204	18	33	48
253	78	141	204	18	33	48
254	86	145	204	18	33	48
255	86	145	204	18	33	48
256	86	145	204	18	33	48
257	86	145	204	18	33	48
260	86	145	204	18	33	48
261	86	145	204	18	33	48
262	86	145	204	18	33	48
265	86	145	204	18	33	48
266	86	145	204	18	33	48
267	86	145	204	18	33	48
268	86	145	204	18	33	48
269	86	145	204	18	33	48
271	86	145	204	18	33	48
272	86	145	204	18	33	48
274	86	145	204	18	33	48
275	86	145	204	18	33	48
276	86	145	204	18	33	48
280	86	145	204	18	33	48
281	86	145	204	18	33	48
283	101	153	204	18	33	48
286	101	153	204	18	33	48
287	101	153	204	18	33	48
288	101	153	204	18	33	48
289	101	153	204	18	33	48
290	101	153	204	18	33	48
291	101	153	204	18	33	48

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
292	101	153	204	18	33	48
294	101	153	204	18	33	48
299	101	153	204	18	33	48
300	101	153	204	18	33	48
305	101	153	204	18	33	48
307	101	153	204	18	33	48
308	101	153	204	18	33	48
311	101	153	204	22	41	60
313	101	153	204	22	41	60
316	101	153	204	22	41	60
317	101	153	204	22	41	60
319	101	153	204	22	41	60
322	101	153	204	22	41	60
323	101	153	204	22	41	60
324	101	153	204	22	41	60
326	117	161	204	22	41	60
330	117	161	204	22	41	60
331	117	161	204	22	41	60
332	117	161	204	22	41	60
334	117	161	204	22	41	60
335	117	161	204	22	41	60
336	117	161	204	22	41	60
337	117	161	204	22	41	60
338	117	161	204	22	41	60
339	117	161	204	24	42	60
342	117	161	204	24	42	60
344	117	161	204	24	42	60
345	117	161	204	24	42	60
349	117	161	204	24	42	60
350	117	161	204	24	42	60
355	117	161	204	24	42	60
356	117	161	204	24	42	60
358	117	161	204	24	42	60
359	117	161	204	24	42	60
362	117	161	204	24	42	60
363	117	161	204	24	42	60
364	117	161	204	24	42	60
366	117	161	204	24	42	60
367	117	161	204	24	42	60
371	117	186	255	24	42	60
373	117	186	255	24	42	60
374	117	186	255	24	42	60
375	117	186	255	24	42	60
376	117	186	255	24	42	60
378	117	186	255	24	42	60
379	117	186	255	24	42	60
381	117	186	255	24	42	60
386	117	186	255	24	42	60
387	117	186	255	24	42	60
389	117	186	255	24	42	60
393	117	186	255	24	42	60
400	117	186	255	24	42	60
403	117	186	255	24	42	60

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
404	117	186	255	24	42	60
405	117	186	255	24	42	60
406	117	186	255	24	42	60
407	117	186	255	24	42	60
409	117	186	255	24	42	60
411	117	186	255	24	42	60
412	117	186	255	24	42	60
414	117	186	255	24	42	60
418	117	186	255	24	42	60
419	117	186	255	24	42	60
423	117	186	255	24	42	60
425	117	186	255	24	42	60
426	117	186	255	24	42	60
427	117	186	255	24	42	60
428	117	186	255	24	42	60
430	117	186	255	24	42	60
431	117	186	255	24	42	60
436	117	186	255	24	42	60
437	117	186	255	24	42	60
438	156	231	306	24	42	60
439	156	231	306	24	42	60
442	156	231	306	24	42	60
444	156	231	306	24	42	60
449	156	231	306	24	42	60
450	156	231	306	24	42	60
451	156	231	306	36	48	60
455	156	231	306	36	48	60
456	156	231	306	36	48	60
457	156	231	306	36	48	60
458	156	231	306	36	48	60
460	156	231	306	36	48	60
461	156	282	408	36	48	60
462	156	282	408	36	48	60
463	156	282	408	36	48	60
465	156	282	408	36	48	60
467	156	282	408	36	48	60
470	156	282	408	36	48	60
474	156	282	408	36	48	60
475	156	282	408	36	48	60
476	156	282	408	36	48	60
477	156	282	408	36	48	60
483	156	282	408	36	48	60
487	156	282	408	36	48	60
491	156	282	408	36	48	60
493	156	282	408	36	48	60
494	156	282	408	36	48	60
495	156	282	408	36	48	60
498	156	282	408	36	48	60
500	156	282	408	36	48	60
501	156	282	408	36	48	60
505	156	282	408	36	48	60
506	156	588	1020	36	48	60
507	156	588	1020	36	48	60

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>510</b>	156	588	1020	36	48	60
<b>512</b>	156	588	1020	36	48	60
<b>513</b>	156	588	1020	36	48	60
<b>520</b>	156	588	1020	36	48	60
<b>524</b>	156	588	1020	36	48	60
<b>526</b>	156	588	1020	36	48	60
<b>528</b>	156	588	1020	36	48	60
<b>529</b>	156	588	1020	36	48	60
<b>530</b>	156	588	1020	36	48	60
<b>531</b>	156	588	1020	36	48	60
<b>533</b>	156	588	1020	36	48	60
<b>540</b>	156	588	1020			
<b>543</b>	156	588	1020			
<b>544</b>	156	588	1020			
<b>545</b>	156	588	1020			
<b>548</b>	156	588	1020			
<b>550</b>	156	588	1020			
<b>551</b>	156	588	1020			
<b>552</b>	156	588	1020			
<b>553</b>	156	588	1020			
<b>556</b>	156	588	1020			
<b>558</b>	156	588	1020			
<b>562</b>	156	588	1020			
<b>564</b>	156	588	1020			
<b>582</b>	156	588	1020			
<b>590</b>	156	588	1020			
<b>594</b>	156	588	1020			
<b>595</b>	156	588	1020			
<b>601</b>	156	588	1020			
<b>602</b>	156	588	1020			
<b>607</b>	156	588	1020			
<b>619</b>	156	588	1020			
<b>620</b>	156	588	1020			
<b>627</b>	156	588	1020			
<b>632</b>	156	588	1020			
<b>652</b>	156	588	1020			
<b>665</b>	156	588	1020			
<b>676</b>	156	588	1020			
<b>677</b>	156	588	1020			
<b>684</b>	156	588	1020			
<b>688</b>	156	588	1020			
<b>695</b>	156	588	1020			
<b>701</b>	156	588	1020			
<b>706</b>	156	588	1020			
<b>709</b>	156	588	1020			
<b>710</b>	156	588	1020			
<b>728</b>	156	588	1020			
<b>732</b>	156	588	1020			
<b>735</b>	234	627	1020			
<b>747</b>	234	627	1020			
<b>757</b>	234	627	1020			
<b>761</b>	234	627	1020			
<b>765</b>	234	627	1020			

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>780</b>	234	627	1020			
<b>784</b>	234	627	1020			
<b>790</b>	234	627	1020			
<b>798</b>	234	627	1020			
<b>803</b>	234	627	1020			
<b>812</b>	234	627	1020			
<b>816</b>	234	627	1020			
<b>817</b>	234	627	1020			
<b>831</b>	234	627	1020			
<b>835</b>	234	627	1020			
<b>836</b>	234	627	1020			
<b>840</b>	234	627	1020			
<b>848</b>	234	627	1020			
<b>849</b>	234	627	1020			
<b>854</b>	234	627	1020			
<b>868</b>	234	627	1020			
<b>872</b>	234	627	1020			
<b>885</b>	234	627	1020			
<b>904</b>	234	627	1020			
<b>905</b>	234	627	1020			
<b>918</b>	234	627	1020			
<b>936</b>	234	627	1020			
<b>950</b>	234	627	1020			
<b>955</b>	234	627	1020			
<b>986</b>	234	627	1020			
<b>1010</b>	234	627	1020			
<b>1111</b>	234	627	1020			
<b>1126</b>	234	627	1020			
<b>1130</b>	234	627	1020			

**Personal Worksheets and Standards**  
**Case Study # 1**

Name: John Smith

Case Number: CC2002009875

Mr. Smith has been convicted of *Robbery I and Burglary I*. During the robbery, Mr. Smith cut his victim with a switchblade knife causing serious physical injury. He is being sentenced for both offenses today.

Criminal History:

- *Convicted – Assault III – Received 18 months probation*
  - *Convicted – Possession of Marijuana II – Received 6 months probation*
  - *Convicted – Driving Under the Influence – Received 30 days in the county jail*
  - *Arrested – Harassment – Nol Prossed*
- 

**Personal Case Study # 2**

Name: Casey Jones

Case Number: CC2000001234

Mr. Jones has entered a guilty plea for *Assault I*. During an altercation with his neighbor, Mr. Jones hit her. He is being sentenced today.

Criminal History:

- *Convicted – Robbery III – Received a 2 year prison sentence*
- *Convicted – Theft of Property II – Received 1 year and 1 day probation*

### Personal Case Study # 3

Name: Mary Richardson

Case Number: CC2004000101

Ms. Richardson has entered guilty pleas for *Robbery II, Theft of Property I and Forgery II (5 counts)*. During the robbery, Ms. Richardson stabbed her ex-boyfriend with a kitchen knife. She is being sentenced for each of these offenses today.

Criminal History:

- *Convicted – Assault I – Received 3 year prison sentence*
  - *Convicted – Theft of Property III – Received 6 months probation*
  - *Adjudicated YO(Unlawful Possession of a Controlled Substance) – Received 18 months probation*
- 

### Personal Case Study # 4

Name: Bill Calloway

Case Number: CC2005000025

Mr. Calloway has entered a guilty plea for *Rape I*. During the offense, Mr. Calloway threatened his victim with a gun. He is being sentenced for this offense today.

Criminal History:

- *Convicted – Assault II – Received a 1 year 6 months prison sentence*
- *Convicted – Theft of Property II – Received 2 years probation*
- *Convicted – Assault III – Received 6 months probation*
- *Adjudicated YO (Unlawful Possession of a Controlled Substance) – Received 6 months probation*

# Personal Case Study #1

## Personal Prison In/Out Worksheet

Defendant John Smith Case Number CC2002009875

Judge Judge Holley DA/Asst. DA Asst DA Tidwell

Worksheet Preparer, Title Joe Strickland – Probation Officer

List Additional Cases Sentenced for this Event

CC2001002596



## Personal Prison In/Out Worksheet

### Most Serious Conviction Offense

Assault II..... 1	Rape II, Sodomy II, Robbery II..... 5
Robbery III..... 3	Rape I, Sodomy I, Manslaughter, <u>Robbery I</u> ..... (8)
Assault I..... 4	Murder..... 10

**Score** 8

### Number of Prior Adult Felony Convictions

(None).....	(0)
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	8

**Score** 0

Personal Case Study #1

## Personal Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... 1

**Score** 0

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

(None).....	(0)
1-2 .....	1
3-4.....	2
5 or more.....	3

**Score** 0

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... (4)

**Score** 4

**Total Score** 12

Personal Case Study #1

## Personal Prison In/Out Worksheet (Cont.)

Total Score **12**

### Recommendation

1-7 points: Non-Prison

8 or more points: Prison

Personal Case Study #1

## Personal Prison Sentence Length Worksheet

Defendant John Smith Case Number CC2002009875

### Most Serious Conviction Offense

Assault II.....	72	Sodomy I.....	235
Sodomy II.....	81	Manslaughter.....	238
Robbery III.....	89	Robbery I.....	374
Rape II.....	129	Rape I.....	386
Assault I.....	148	Murder.....	728
Robbery II.....	173		

Score **374**

### Number of Prior Adult Felony Convictions

None.....	0
1.....	19
2.....	37
3.....	56
4.....	75
5.....	93
6.....	112
7.....	130
8.....	149
9.....	168
10 or more.....	186

Score **0**

Personal Case Study #1

## Personal Prison Sentence Length Worksheet (Cont.)

### Number of Prior Incarcerations with Sentence Imposed of 1 Year or More

None.....	0
1.....	51
2.....	101
3.....	152
4.....	202
5.....	253

Score

0

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes.....	33
-------------	----

Score

33

Total Score

407

Personal Case Study #1

## Personal Prison Sentence Length Ranges (Time in Months)

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
404	117	186	255	24	42	60
405	117	186	255	24	42	60
406	117	186	255	24	42	60
407	117	186	255	24	42	60
409	117	186	255	24	42	60
411	117	186	255	24	42	60
412	117	186	255	24	42	60
414	117	186	255	24	42	60

This view only represents a small portion of the entire standards table.

Personal Case Study #1

# Personal Case Study #2

## Personal Prison In/Out Worksheet

Defendant Casey Jones Case No. CC2000001234

### Most Serious Conviction Offense

Assault II.....	1	Rape II, Sodomy II, Robbery II.....	5
Robbery III.....	3	Rape I, Sodomy I, Manslaughter, Robbery I ....	8
Assault I.....	4	Murder.....	10

Score **4**

### Number of Prior Adult Felony Convictions

None.....	0
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	8

Score **3**

## Personal Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... ①

Score

1

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

None..... ①

1-2..... 1

3-4..... 2

5 or more..... 3

Score

0

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... ④

Score

4

Total Score

12

Personal Case Study #2

## Personal Prison In/Out Worksheet (Cont.)

Total Score

12

### Recommendation

1-7 points: Non-Prison

8 or more points: Prison

Personal Case Study #2

## Personal Prison Sentence Length Worksheet

Defendant Casey Jones Case Number CC2000001234

### Most Serious Conviction Offense

Assault II.....	72	Sodomy I.....	235
Sodomy II.....	81	Manslaughter.....	238
Robbery III.....	89	Robbery I.....	374
Rape II.....	129	Rape I.....	386
Assault I.....	148	Murder.....	728
Robbery I.....	173		

Score **148**

### Number of Prior Adult Felony Convictions

None.....	0
1.....	19
2.....	37
3.....	56
4.....	75
5.....	93
6.....	112
7.....	130
8.....	149
9.....	168
10 or more.....	186

Score **37**

Personal Case Study #2

## Personal Prison Sentence Length Worksheet (Cont.)

### Number of Prior Incarcerations with Sentence Imposed of 1 Year or More

None.....	0
1.....	51
2.....	101
3.....	152
4.....	202
5.....	253

Score **51**

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes.....33

Score **0**

Total Score **236**

Personal Case Study #2

## Personal Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>230</b>	78	126	173	12	24	36
<b>231</b>	78	126	173	12	24	36
<b>232</b>	78	126	173	18	29	40
<b>233</b>	78	126	173	18	29	40
<b>235</b>	78	126	173	18	29	40
<b>236</b>	78	126	173	18	33	48
<b>237</b>	78	126	173	18	33	48
<b>238</b>	78	126	173	18	33	48

This view only represents a small portion of the entire standards table.

Personal Case Study #2

## Personal Case Study #3

## Personal Prison In/Out Worksheet

Defendant Mary Richardson Case Number CC2004000101

### Most Serious Conviction Offense

Assault II..... 1	Rape II, Sodomy II, <u>Robbery II</u> ..... ⑤
Robbery III..... 3	Rape I, Sodomy I, Manslaughter, Robbery I .... 8
Assault I..... 4	Murder..... 10

Score 5

### Number of Prior Adult Felony Convictions

None.....	0
①.....	②
2.....	3
3.....	5
4.....	6
5 or more.....	8

Score 2

Personal Case Study #3

## Personal Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... ①

Score 1

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

None.....	0
①-2.....	①
3-4.....	2
5 or more.....	3

Score 1

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... ④

Score 4

Total Score 13

Personal Case Study #3



## Personal Prison In/Out Worksheet (Cont.)

Total Score **13**

### Recommendation

1-7 points: Non-Prison

8 or more points: Prison

Personal Case Study #3

## Personal Prison Sentence Length Worksheet

Defendant Mary Richardson Case Number CC2004000101

### Most Serious Conviction Offense

Assault II.....	72	Sodomy I.....	235
Sodomy II.....	81	Manslaughter.....	238
Robbery III.....	89	Robbery I.....	374
Rape II.....	129	Rape I.....	386
Assault I.....	148	Murder.....	728
Robbery II.....	173		

Score **173**

### Number of Prior Adult Felony Convictions

None.....	0
1.....	19
2.....	37
3.....	56
4.....	75
5.....	93
6.....	112
7.....	130
8.....	149
9.....	168
10 or more.....	186

Score **19**

Personal Case Study #3

## Personal Prison Sentence Length Worksheet (Cont.)

### Number of Prior Incarcerations with Sentence Imposed of 1 Year or More

None.....	0
①.....	51
2.....	101
3.....	152
4.....	202
5.....	253

Score **51**

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes.....33

Score **0**

Total Score **243**

Personal Case Study #3

## Personal Prison Sentence Length Ranges (Time in Months)

Score	Total Sentence			Time to Serve On Split		
	Low	Mid	High	Low	Mid	High
238	78	126	173	18	33	48
②43	78	126	173	18	33	48
248	78	141	204	18	33	48
249	78	141	204	18	33	48
251	78	141	204	18	33	48
252	78	141	204	18	33	48
253	78	141	204	18	33	48
254	86	145	204	18	33	48

This view only represents a small portion of the entire standards table.

Personal Case Study #3

# Personal Case Study #4

## Personal Prison In/Out Worksheet

Defendant Bill Calloway Case Number CC2005000025

### Most Serious Conviction Offense

Assault II.....	1	Rape II, Sodomy II, Robbery II.....	5
Robbery III.....	3	Rape I, Sodomy I, Manslaughter, Robbery I ....	8
Assault I.....	4	Murder.....	10

Score

8

### Number of Prior Adult Felony Convictions

None.....	0
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	8

Score

3

## Personal Prison In/Out Worksheet (Cont.)

### Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes..... ①

Score

1

### Number of Prior Juvenile Delinquency and YO Adjudications (Viol/Misd/Felony)

None..... 0

① 1-2..... ①

3-4..... 2

5 or more..... 3

Score

1

### Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes..... ④

Score

4

Total Score

17

Personal Case Study #4

## Personal Prison In/Out Worksheet (Cont.)

Total Score

17

### Recommendation

1-7 points: Non-Prison

8 or more points: Prison

Personal Case Study #4

## Personal Prison Sentence Length Worksheet

Defendant Bill Calloway Case Number CC2005000025

### Most Serious Conviction Offense

Assault II.....	72	Sodomy I.....	235
Sodomy II.....	81	Manslaughter.....	238
Robbery III.....	89	Robbery I.....	374
Rape II.....	129	Rape I.....	386
Assault I.....	148	Murder.....	728
Robbery I.....	173		

Score **386**

### Number of Prior Adult Felony Convictions

None.....	0
1.....	19
2.....	37
3.....	56
4.....	75
5.....	93
6.....	112
7.....	130
8.....	149
9.....	168
10 or more.....	186

Score **37**

Personal Case Study #4

## Personal Prison Sentence Length Worksheet (Cont.)

### Number of Prior Incarcerations with Sentence Imposed of 1 Year of More

None.....	0
1.....	51
2.....	101
3.....	152
4.....	202
5.....	253

Score **51**

### Prior Incarceration with Sentence Imposed of Less Than 1 Year

If Yes.....33

Score **0**

Total Score **474**

Personal Case Study #4

## Personal Prison Sentence Length Ranges (Time in Months)

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>467</b>	156	282	408	36	48	60
<b>470</b>	156	282	408	36	48	60
<b>474</b>	156	282	408	36	48	60
<b>475</b>	156	282	408	36	48	60
<b>476</b>	156	282	408	36	48	60
<b>477</b>	156	282	408	36	48	60
<b>483</b>	156	282	408	36	48	60
<b>487</b>	156	282	408	36	48	60

This view only represents a small portion of the entire standards table.

## Sentencing Standards and Worksheets Frequently Asked Questions

### 1. What are the sentencing worksheets?

There are three sets of worksheets – one for each major type of offense – property, drugs and personal. For each offense type, there is an In/Out Worksheet and a Sentence Length Worksheet. Each sheet has a set of statistically relevant sentencing factors specific to each offense type. Examples of factors include: most serious current offense, other offenses being sentenced at the current sentencing event, prior convictions, previous incarcerations, juvenile/youthful offender adjudications, etc. The worksheets will result in a score that is calculated based on the information provided for each factor.

### 2. What is the difference in the In/Out Worksheet and the Sentence Length Worksheet?

The In/Out Worksheet produces a score that recommends either a prison or a non-prison sentence. The Sentence Length Worksheet score tells the judge what sentence range (in months) is recommended based on the defendant's characteristics.

### 3. When should the worksheets be completed?

Worksheets should be completed when the most serious felony offense being sentenced is any of those listed below. (The standards do not apply to misdemeanors or to any sex offense involving a victim under the age of 12).

<b>Personal Worksheets</b>	<b>Property Worksheets</b>	<b>Drug Worksheets</b>
Assault I	Burglary I	Felony DUI
Assault II	Burglary II	Possession of Marihuana I
Manslaughter	Burglary III	Possession of Schedule I-V
Murder	Forgery II	Sale/Distribution of Marihuana (other than to a minor)
Rape I	Possession Forged Instrument II	Sale/Distribution of Schedule I-V (other than to a minor)
Rape II	Theft of Property I	
Robbery I	Theft of Property II	
Robbery II	Receiving Stolen Property I	
Robbery III	Receiving Stolen Property II	
Sodomy I	Unauthorized Use/B&E Vehicle	
Sodomy II	Unlawful Possession/Use Credit/Debit Card	

**4. Who completes the worksheets?**

They may be completed by the district attorney, defense attorney, probation officer, court referral officer, community corrections personnel, or anyone designated by the judge. The sentencing judge designates who is responsible for completing the worksheets. It is envisioned that the DA and defense attorney will both prepare sheets and settle on a score prior to sentencing. If the two sides disagree, then the judge decides which is accurate.

**5. What if one offense being sentenced is covered by the worksheets and another is not?**

If the non-worksheet offense is more serious than the worksheet offense, then the worksheets and standards do not apply. For example, if a defendant is being sentenced for Arson I (Non-worksheet, Class A felony) and Theft of Property II (Worksheet, Class C felony), this case would not be covered. If the most serious offense is included on the worksheets, then it should be scored and the less serious, non-worksheet offense would be counted as an additional offense.

**6. What are the standards?**

These are the suggested punishments and punishment ranges for prison sentences expressed in months. (The range is selected based on the Sentence Length Worksheet score.)

**7. How were the ranges selected?**

The ranges were established by examining historical sentencing data and making certain minor adjustments to reflect current sentencing policies. To set the range, statisticians working for the Alabama Sentencing Commission (ASC) first calculated the middle 50 percent of all sentences imposed for each potential score from the Sentence Length Worksheet. Then, based on results from the Sentencing Commission's simulation model, slight adjustments were made to reflect current sentencing priorities. *Specifically, under the standards, drug and property offenders are slightly less likely to go to prison than under historic sentencing practices. Offenders convicted of personal crimes on the other hand are slightly more likely to receive a prison sentence. Similarly, drug and property offenders are likely to receive a slightly shorter sentence, while the sentence recommendation for violent offenders is likely to be somewhat longer.*

**8. Does a judge have to sentence within the range suggested in the standards?**

No. It is fully expected and intended the standards will only apply 75 percent of the time. Downward and upward departures are left up to the judge's discretion based on the facts presented in each individual case.



**9. What if a judge sentences outside of the standards?**

He or she is requested to write a brief explanation as to why the standards are not followed. This statement is provided solely to assist the ASC in making future modifications to the standards based on courtroom feedback.

**10. Are the sentences imposed under the standards subject to appellate review?**

No.

**11. Is this system the same as “truth-in-sentencing?”**

No. Sentences imposed under the standards still allow offenders to receive good time and parole consideration. Truth-in-sentencing (where the time imposed matches the time to be served) is not scheduled to go into effect until 2009. By this time, a new set of standards will have been developed so the ranges recommended correspond with the amount of time actually served.

**12. Are these like the federal guidelines?**

Definitely Not!!! They are not even similar to the mandatory or presumptive guidelines that exist in states like North Carolina, Minnesota or Kansas. They were patterned after Virginia's guidelines and are voluntary and not subject to appellate review.

**13. If they are voluntary and not subject to appellate review then why do you think judges will follow them?**

There are several advantages, one of which is the fact that these standards reflect the sentencing practices generally used by judges around the state, throwing out the extremes. These standards will provide judges with the information needed to make informed sentencing decisions. Another incentive to use the standards is that the Habitual Felony Offender Act (HFOA) and mandatory enhancements that otherwise would apply are not applicable to sentences imposed pursuant to the standards. The standards should also encourage plea agreements.

**14. Are the standards retroactive?**

No. The initial standards only apply to offenses sentenced after they become effective.

**15. Why are there two sets of standards?**

The initial standards were created with ranges that account for good time and parole consideration. The “time served” standards that will go into effect in 2009, will have recommended sentence ranges that appear much lower than those presented in the initial standards. This is because under the time served standards offenders will be required to serve their sentences day-for-day with no reductions.

Additionally, it is important to field test the standards and prison population simulation model prior to moving to truth in sentencing. This way, if unanticipated prison overcrowding occurs, the population can be managed through existing release mechanisms.

**16. How do you decide if an offender is sentenced under the standards or the Habitual Felony Offender Act?**

This is a matter of judicial discretion. Additionally, the DA may make a recommendation as to which should be applied.

**17. What if the recommended range is above/below the statutory minimum?**

The judge should not sentence an offender to a term that is below the “base” term statutorily authorized for the felony class. The “base” terms are as follows:

- Class A felonies – **10 years** to life;
- Class B felony – **2 years** to 20 years; and
- Class C felonies – **1 year and 1 day** to 10 years.

**18. When calculating prior incarcerations, should sentences resulting from nolo contendere pleas be included?**

Yes. These are included in the data as an incarceration if the plea results in an unsuspended period of incarceration.

**19. What if an offender had several convictions in her early twenties, but for the past 15 to 20 years has committed no crimes? What happens under the standards?**

The prior offenses should still be counted just as they are under the existing Habitual Felony Offender Act. However, the judge may take the lack of criminal activity for such a long time into consideration when choosing the actual sentence within the recommended sentence range.

**20. Will the Habitual Felony Offender Act disappear once the standards are fully implemented?**

This could happen, because prior felony convictions will already be taken into account when determining the recommended sentence ranges. However, this is unlikely to occur until the time served (truth in sentencing) standards go into effect.

**21. If the Habitual Felony Offender Act is eliminated, will the changes be applied retroactively?**

Not without additional legislation. The Habitual Felony Offender Act will still apply to sentences imposed outside the standards.

**22. What if the DA and the defense attorney disagree over whether or not the victim was injured? What about other factual disputes? How do you eliminate the possibility of this sentence being appealed? Does this represent a problem under *Apprendi v. New Jersey* and/or *Blakely v. Washington*?**

As long as the sentence imposed is within the statutory range of punishment, there is no legal problem with the sentence since sentencing under the standards is voluntary. To avoid disputes, however, it is recommended that any sentencing factors that affect the recommended sentence length under the standards – e.g. victim injury, prior convictions, previous incarcerations, etc. – be stipulated to in the plea bargain. In a jury trial, factors other than prior convictions may have to be determined by the jury.

**23. What happens if a judge does not consider the standards at all?**

Although the failure to consider the standards is not appealable, judges are required to consider the standards pursuant to Section 12-25-35, Code of Alabama 1975. It is expected that judges will respect and comply with state law relative to consideration of the standards. The fact that no right of appeal is granted does not affect the judge's responsibility.

**24. What if a defendant's score is not on the worksheet?**

If a score falls between two scores listed on the sheet, then select the lower of the two scores to determine the recommended sentencing range. The "breaks" in the scores simply mean *there was no one in the five year cohort of sentenced offenders who received this exact score.*

**25. The drug worksheet sentence length scores end at 242. What happens if a defendant's score is greater than 242?**

The judge may wish to depart upward from the standards. The scores listed on the sentence length tables reflect actual scores based on a five year cohort of offenders, and the maximum score on each table represents the highest score calculated for this set of cases.

**26. Where were sentencing disparities found? Was there disparity between urban versus rural circuits?**

Disparity was found across the board. Urban jurisdictions differed from other urban jurisdictions, and rural jurisdictions differed from other rural jurisdictions. There was even disparity within individual circuits depending on the sentencing judge. This high degree of disparity was one of the primary reasons for developing the standards.

**27. What if mistakes are made in completing the worksheets? Will this lead to an increase in lawsuits for ineffective assistance of counsel?**

This is not anticipated.

**28. When scoring the youthful offender (YO) factor, do you look at the underlying offense?**

No. For YO cases you just count the total number of adjudications. For juvenile cases, however, you do need to look at the underlying offense to see if it would have been a criminal offense had the person been an adult.

## Conversion Chart

The Sentencing Standards and Worksheets refer to prison time in months. We are providing formulas to help you convert years and days into months when determining a sentence imposed.

$$\frac{\text{Years to Months}}{\text{Years} \times 12 = \text{months}}$$

$$\frac{\text{Days to Months}}{\text{Days} / 30.5^* = \text{months}}$$

Example:

$$\begin{aligned} 5 \text{ years} \times 12 &= 60 \text{ months} \\ 180 \text{ days} / 30.5 &= 5.90 \text{ months} \end{aligned}$$

Example:

If the judge imposes a sentence of 3 years, 6 months, and 90 days, the total sentence imposed in months is 44.95 months (or 45 months rounded).

$$(3 \text{ years} \times 12 = 36 \text{ months}) + 6 \text{ months} + (90 / 30.5 = 2.95 \text{ months}) = 44.95 \text{ months}$$

<u>Days</u>	<u>Months</u>	<u>Years</u>	<u>Months</u>	<u>Years</u>	<u>Months</u>
1	0.03	1	12	16.5	198
2	0.07	1.5	18	17	204
3	0.10	2	24	17.5	210
4	0.13	2.5	30	18	216
5	0.16	3	36	18.5	222
6	0.20	3.5	42	19	228
7	0.23	4	48	19.5	234
8	0.26	4.5	54	20	240
9	0.30	5	60	25	300
10	0.33	5.5	66	30	360
11	0.36	6	72	35	420
12	0.39	6.5	78	40	480
13	0.43	7	84	45	540
14	0.46	7.5	90	50	600
15	0.49	8	96		
16	0.52	8.5	102		
17	0.56	9	108		
18	0.59	9.5	114		
19	0.62	10	120		
20	0.66	10.5	126		
21	0.69	11	132		
22	0.72	11.5	138		
23	0.75	12	144		
24	0.79	12.5	150		
25	0.82	13	156		
26	0.85	13.5	162		
27	0.89	14	168		
28	0.92	14.5	174		
29	0.95	15	180		
30	0.98	15.5	186		
31	1.02	16	192		

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\*30.5 days is the average number of days in a month.

Alabama Felony Offenses			
Class	Category	Offense Literal	Criminal Code
Class A	Personal Injury	ADMIN. MEDICATION CHILD CARE CAUSING DEATH	13A-006-029(C)(3)
		ARSON 1ST	13A-007-041
		ASSAULT SPORTS OFFICIAL 1ST	13A-11-144(f)
		ATTEMPTED MURDER	13A-004-002
		CAPITAL MURDER	13A-005-040
		CHEMICAL ENDANGERMENT - CHILDREN-DEATH	ACT 2006-204
		CHILD SEX ABUSE	12A-005-006(c)
		COMPLICITY - MURDER	13A-002-023
		COMPLICITY - RAPE 1ST	13A-002-023
		COMPLICITY - SODOMY 1ST	13A-002-023
		CONSPIRACY - CAPITAL MURDER	13A-004-003
		CONSPIRACY - MURDER	13A-004-003
		DOMESTIC VIOLENCE 1ST	13A-006-130
		HINDERING PROSECUTION TERRORISM 1ST	13A-10-154(b)
		KIDNAPPING 1ST	13A-006-043
		MURDER	13A-006-002
		PORN PARENT/MINORS IN SEX	13A-012-196
		PORN PRODUCING W/MINORS	13A-012-197
		RAPE 1ST	13A-006-061
		ROBBERY 1ST	13A-008-041
		ROBBERY 1ST - PHARMACY	13A-008-051
		SEXUAL TORTURE/ABUSE	13A-006-065.1
		SODOMY 1ST	13A-006-063
		SOLICITATION - MURDER	13A-004-001
		TERRORISM - Attempt/Conspiracy Specied Class A felony	13A-10-152(b)(1)
		TERRORISM - Class B felony specified offense	13A-10-152(b)(1)
		TERRORISM Murder	13A-10-152(3)
		TERRORISM Specified Offense Class A or B felony	13A-10-152(2)
Class A	Property	BURGLARY 1ST	13A-007-005
		VIO COMPUTER CRIME ACT 1ST	13A-008-102(D)(4)
Class A	Drug Related	ATTEMPT - MANUFACTURE CONT SUBS 1ST	13A-12-203
		CRIM DRUG TRAFFICK ENTERPRISE	13A-012-233
		DIST/SALE DRUGS TO MINOR	13A-012-215
		MANUFACTURE CONT SUBS 1ST	13A-12-218
		TRAFFICKING-3,4 METHYL AMPHETA	13A-012-231(6)
		TRAFFICKING-5-METHOXY AMPHETAM	13A-012-231(7)
		TRAFFICKING-AMPHETAMINE	13A-012-231(10)
		TRAFFICKING-COCAINE	13A-012-231(2)
		TRAFFICKING-HEROIN	13A-012-231(3)
		TRAFFICKING-HYDROMORPHONE	13A-012-231(5)
		TRAFFICKING-ILL DRUGS	13A-012-231
		TRAFFICKING-LSD	13A-012-231(9)
		TRAFFICKING-MARIJUANA	13A-012-231(1)
		TRAFFICKING-METHAMPHETAMINE	13A-012-231(11)
		TRAFFICKING-METHQUALONE	13A-012-231
		TRAFFICKING-MORPHINE	13A-012-231(3)
		TRAFFICKING-OPIMUM	13A-012-231(3)
		TRAFFICKING-PHENCYCLIDINE	13A-012-231(8)
Class B	Personal Injury	ABUSE & NEGLECT - SER PHY INJURY	038-009-007(B)
		ADMIN MED CHILD CARE - PERMANENT DISABILITY	13A-006-029(c)(2)
		ASSAULT 1ST	13A-006-020
		ASSAULT 1ST (LIQUOR)	13A-006-020(A)5
		ASSUALT SPORTS OFFICIAL 2ND	13A-11-144(e)
		ATTEMPT - ARSON 1ST	13A-004-002
		ATTEMPT - BURGLARY 1ST	13A-004-002
		ATTEMPT - DOMESTIC VIOLENCE 1ST	13A-004-002
		ATTEMPT - KIDNAPPING 1ST	13A-004-002
		ATTEMPT - RAPE 1ST	13A-004-002
		ATTEMPT - ROBBERY 1ST	13A-004-002
		ATTEMPT - SODOMY 1ST	13A-004-002
		ATTEMPT/CONSPIRACY - TERRORISM (B FELONY)	13A-10-152(b)(1)
		CHEMICAL ENDANGERMENT - CHILDREN-SERIOUS PHYSICAL INJURY	ACT 2006-204
		COMPLICITY - ASSAULT	13A-002-023(1)
		COMPLICITY - ROBBERY 2ND	13A-002-023
		CONSPIRACY - BURGLARY 1ST	13A-004-003
		CONSPIRACY - KIDNAPPING 1ST	13A-004-003
		CONSPIRACY - RAPE 1ST	13A-004-003
		CONSPIRACY - ROBBERY 1ST	13A-004-003
		CONSPIRACY - SODOMY 1ST	13A-004-003

<b>Class</b>	<b>Category</b>	<b>Offense Literal</b>	<b>Criminal Code</b>
		DISCHARGE GUN OCC BLDG/VEHICLE	13A-011-061(B)
		DISCHARGE GUN OCCUPIED SCHOOL/CHURCH BUS	ACT 2006-539
		DOMESTIC VIOLENCE 2ND	13A-006-131
		HINDERING PROSECUTION TERRORISM 2ND	13A-10-152(a)
		KIDNAPPING 2ND	13A-006-044
		MANSLAUGHTER	13A-006-003
		PORN INTENT TO DISTRIBUTE	13A-012-192(A)
		PORN OBSCENE MATTER DISPLAY MINOR	13A-012-191
		PROMOTING PROSTITUTION 1ST	13A-012-111
		RAPE 2ND	13A-006-062
		ROBBERY 2ND	13A-008-042
		SEXUAL ABUSE - VICTIM UNDER 12 YEARS OLD	ACT 2006-575
		SODOMY 2ND	13A-006-064
		SOLICIT/SUPPORT TERRORISM 1ST	13A-10-152(b)(3)
		SOLICITATION - SODOMY 1ST	13A-004-001
		SOLICITATION OF CHILD BY COMPUTER	13A-006-110
		STALKING AGGRAVATED	13A-006-091
		TERRORISM - SPECIFIED ACT (C FELONY)	13A-10-152(b)(1)
		TRANSMITTING OBSCENE MAT TO CHILDREN	13A-006-111
<b>Class B</b>	<b>Property</b>	ACTS AGAINST COMPUTER 1ST	13A-008-103(B)(1)
		ARSON 2ND	13A-007-042
		BRING INTO STATE PROPERTY FRAUD 1ST	13A-008-021
		BRING STOLEN PROPERTY INTO STATE 1ST	13A-008-020
		BURGLARY 2ND	13A-007-006
		CHARITABLE FRAUD 1ST	13A-009-073
		ENDANGERING FOOD AND WATER SUPPLY	ACT 2006-508
		EXTORTION 1ST	13A-008-014
		FORGERY 1ST	13A-009-002
		FRAUD BY AUTHORIZED PERSONS	13A-009-014.1
		INSURANCE FRAUD (PROP>\$2,500)	027-007-036(B)
		POSS FOOD STAMP ILLEGAL 1ST	13A-009-091(B)
		POSS FORGED INSTRUMENT 1ST	13A-009-005
		RECEIVING STOLEN PROPERTY 1ST	13A-008-017
		THEFT BY DECEPTION 1ST	13A-008-003
		THEFT OF LOST PROPERTY 1ST	13A-008-007
		THEFT OF PROPERTY 1ST	13A-008-003
		THEFT OF PROPERTY 1ST - SHOPLIFTING	13A-008-003
		THEFT OF SERVICES 1ST	13A-008-010.1
		TRAFFICKING STOLEN IDENTITIES	13A-008-193
		UNAUTH USE MOTOR VEHICLE - BY FORCE	13A-008-011(A)(4)
		VIO COMPUTER CRIME ACT 2ND	13A-008-102(D)(3)
<b>Class B</b>	<b>Drug/Alcohol</b>	ATTEMPT - MANUFACTURE CONT SUBS 2ND	13A-12-203
	<b>Related</b>	ATTEMPT - TRAFFICKING COCAINE	13A-012-203
		ATTEMPT - TRAFFICKING MARIJUANA	13A-012-203
		ATTEMPT - TRAFFICKING METHAMPHETAMINE	13A-012-203
		CONSPIRACY - MANUFACTURE CONT SUBS 2ND	13A-12-204
		CONSPIRACY - TRAFFICKING COCAINE	13A-012-204
		CONSPIRACY - TRAFFICKING MARIJUANA	13A-012-204
		CONSPIRACY - TRAFFICKING METHAMPHETAMINE	13A-012-204
		DRUG PARAPHENALIA TO MINOR	13A-012-260(D)(2)
		ILL PRESC CONT SUBS DENTIST/VET	020-002-074
		MANUFACTURE CONT SUBS 2ND	13A-12-217
		POSS/DIST ANHYDROUS AMMONIA	13A-12-219
		POSS/MFG/SALE OF PRECURSOR CHEMICALS	020-002-190
		PROHIBITED ACTS-MAIN BLD/DWL	020-002-071(A)(5)
		SALE COCAINE	13A-012-211
		SALE MARIJUANA	13A-012-211
		SELL PRE-CURSOR CHEMICALS	020-002-190(B)
		UNLAW DISTRIBUTION CONTROL SUBS	13A-012-211
<b>Class B</b>	<b>Public</b>	ESCAPE 1ST	13A-010-031
	<b>Administration</b>	FAIL COLLECT/PAY OVER TAX PA/B	040-029-111
		PROMISES OF FUTURE EMPLOY/FAVO	036-025-012
		REG BOARD/COMM MEMB-ILL VOTING	036-025-009(C)
		SERVICE ON REGULATORY BOARD/CO	036-025-009
		UNLAWFUL BEAR EXPLOITATION	13A-12-5
<b>Class C</b>	<b>Personal Injury</b>	ABUSE & NEGLECT	038-009-007
		ABUSE & NEGLECT - PHYSICAL INJURY	038-009-007(D)
		ABUSE & NEGLECT - PROT PERSON-SER PHY INJURY	038-009-007(D)
		ADMIN. MEDICATION - CHILD CARE	13A-006-029(c)(1)
		ASSAULT 2ND	13A-006-021
		ASSAULT SPORTS OFFICIAL 3RD	13A-11-144(d)

<b>Class</b>	<b>Category</b>	<b>Offense Literal</b>	<b>Criminal Code</b>
		ATTEMPT - KIDNAPPING 2ND	13A-004-002(d)(3)
		ATTEMPT - PORN PRODUCING W/MINORS	13A-004-002
		ATTEMPT - RAPE 2ND	13A-004-002(d)(3)
		ATTEMPT/CONSPIRACY - TERRORISM (C FELONY)	13A-10-152(b)(1)
		CHILD ABUSE	026-015-003
		CMEMICAL ENDANGERMENT - CHILDREN	ACT 2006-204
		COMPEL STREETGANG MEMBERSHIP	13A-006-026
		CONSPIRACY - PORN PRODUCING W/MINORS	13A-004-003
		CRIM NEGLIGENT HOMICIDE -DUI	13A-006-004
		CRIM USE OF DEFENSE SPRAY	13A-006-027
		DISCHARGE GUN UNOCC BLDG/VEHICLE	13A-011-061(C)
		DISCHARGE GUN UNOCC SCHOOL/CHURCH BUS	ACT 2006-539
		ENTICING CHILD TO ENTER	13A-006-069
		FAILURE TO AID W/INJ/DEATH	032-010-002
		INCEST	13A-013-003
		LEAVING SCENE ACCIDENT W/INJURY	032-010-001
		PORN OBSCENE MATERIAL-PRODUCE	13A-012-200.2(3)
		PORN POSS MATERIAL MINORS	13A-012-192(B)
		PROMOTING PROSTITUTION 2ND	13A-012-112
		ROBBERY 3RD	13A-008-043
		SEX OFFENDER - LOITERING	015-020-026(f)
		SEXUAL ABUSE 1ST	13A-006-066
		SEXUAL MISCONDUCT - CUSTODIAL	014-011-030
		SOLICIT/SUPPORT TERRORISM 2ND	13A-10-152(b)(2)
		STALKING	13A-006-090
		THROW DEADLY/DANGER/MISSILE	032-005-011
		VEHICULAR/VESSEL HOMICIDE	032-05A-192
		VIO PROTECTIVE SERVICES	038-009-001
		VIOLATION CHILD CARE ACT	038-007-00117
		VIOLATION OF ANTI-OBSCENITY LAW	13A-012-200.11
		WILFUL ABUSE CHILD UNDER18	026-015-003
<b>Class C</b>	<b>Property</b>	ACTS AGAINST COMPUTER EQUIP 1ST	13A-008-103(A)(1)
		ATTEMPT - ARSON 2ND	13A-004-002
		ATTEMPT - BURGLARY 2ND	13A-004-002
		ATTEMPT - POSS FORGED INSTRUMENT 1ST	13A-004-002
		ATTEMPT - THEFT OF PROPERTY 1ST	13A-004-002
		BREAK/ENTER VEHICLE	13A-008-011(B)
		BRINGING STOLEN PROPERTY INTO STATE	13A-008-020
		BURGLARY 3RD	13A-007-007
		CHARITABLE FRAUD 2ND	13A-009-074
		COMPUTER CRIME	13A-008-102(C)
		CREDIT CARD - POSS/FRAUD USE	13A-009-014
		CRIM MISCHIEF 1ST	13A-007-021
		CRIMINAL TAMPERING 1ST	13A-007-025
		DEST TRAFFIC SIGN/CONTR DEVICE	13A-008-071(C)
		DESTROY STATE PROPERTY BY INMATE	014-011-010
		EXPLOITATION OF ASSETS 1ST	038-009-007(G)
		EXTORTION 2ND	13A-008-015
		FORGERY 2ND	13A-009-003
		FRAUD POSS OF FALSE INFO	020-002-072(A)(3)
		HIRE W/INTENT DEFRAUD	032-015-005
		IDENTITY THEFT 1ST	ACT 2001-312
		ILL OBT/WATER/ELEC/GAS 1ST	13A-008-023
		INSURANCE FRAUD (PROP\$500-\$2,500)	027-007-036(B)
		KILL OR DISABLE LIVESTOCK	003-001-011.1
		MAKING FALSE MEDICAID CLAIM PROP	022-001-011(A)
		MEDICAID FRAUD	022-001-011
		MFG NAME REQUIRED ON PKG 1ST	13A-008-083
		MOTOR VEHICLE-FAIL RETURN HIRE	032-015-006
		OBSCURE /ALTERING ID VEHICLE	13A-008-022
		OBSTRUCT JUSTICE-FALSE IDENTITY	13A-8-194
		OPERATING AUTO THEFT FACILITY	032-008-088
		POS.SALE.RENT RECORD DEVICE 1ST	13A-008-082
		POSS BURGLAR'S TOOLS	13A-007-008
		POSS FOOD STAMP ILLEGAL 2ND	13A-009-091(C)
		POSS FORGED INSTRUMENT 2ND	13A-009-006
		POSS FORGERY DEVICE	13A-009-009
		POSS/DESTROY TRAFFIC SIGN	13A-008-071
		RECEIVING STOLEN PROPERTY 2ND	13A-008-018
		THEFT BY DECEPTION 2ND	13A-008-004
		THEFT BY FRAUD - LEASING/RENTAL	13A-008-140
		THEFT OF LOST PROPERTY 2ND	13A-008-008
		THEFT OF PROPERTY 2ND	13A-008-004
		THEFT OF PROPERTY 2ND - SHOPLIFTING	13A-008-004



<b>Class</b>	<b>Category</b>	<b>Offense Literal</b>	<b>Criminal Code</b>
		THEFT OF SERVICES 2ND	13A-008-010.2
		THEFT TRADE SECRET/TRADEMARK	13A-008-010.4
		THEFT/DAM/ILL ENTRY ANIMAL/CROP FACILITY (\$250+)	13A-11-153
		TITLE-OBTAIN BY FRAUD	032-008-012
		TRANS,MANF,SOUNDS W/O CONS	13A-008-081
		UNAUTH USE AIRPLANE	004-002-011
		UNAUTH USE ID #	032-008-086(D)
		UNAUTH USE MOTOR VEHICLE	032-008-081
		UNLAWFUL ACTS TO TELE DEVICES	13A-008-151
		VEHICLE OBTAINED BY FRAUD	032-015-004
		VIO COMPUTER CRIME ACT 3RD	13A-008-102(D)(2)
		WILLFULLY CONCEAL IDENT NUMBER	032-008-086(B)
<b>Class C</b>	<b>Drug/Alcohol Related</b>	ALCOHOL-DISTILL (F)	028-004-024
		ALCOHOL-FURNISH TO SCHOOL CHILDREN	016-001-010
		ALCOHOL-POSS MORE THAN 5 GAL.	028-004-115
		ALCOHOL-POSS OF A STILL	028-004-050
		ATTEMPT - DISTRIBUTE DRUGS	13A-012-203
		CONSPIRACY - DIST CONTROL SUBST	13A-012-204
		DEL/SALE DRUG PARAPHERNALIA	13A-012-260(D)
		FAIL PAY TAX ON MARIJ/ETC	040-17A-001
		FAIL TO AFFIX STAMP (DRUGS&ALC)	040-17A-003
		FAIL TO AFFIX STAMP CONT SUBS (DRUGS&ALC)	040-17A-001
		FAILURE TO AFFIX STAMP	040-17A-004
		FELONY DUI	032-05A-191A
		IMITATION DRUG DISTRIBUTE TO MINOR	020-002-143(B)
		POSS CONTR SUBSTANCE (PRESCRIPTION)	13A-012-212(A)(2)
		POSS MARIJUANA 1ST	13A-012-213
		POSS/REC CONTROL SUBSTANCE	13A-012-212
		POSSESSION OF STILL-WET COUNTY	028-001-001
<b>Class C</b>	<b>Public Administration</b>	ABSENTEE BALLOT-FRAUD	017-010-017
		ATT EVADE OR DEFEAT TAX	040-029-110
		BRIBE RECEIVED BY JUROR	13A-010-126
		BRIBE RECEIVED BY WITNESS	13A-010-122
		BRIBERY-ACCEPT/PUBLIC SERVANT	13A-010-061(A)(2)
		BRIBING A JUROR	13A-010-125
		BRIBING A PUBLIC SERVANT	13A-010-061(A)(1)
		BRIBING A WITNESS	13A-010-121
		CONTRACTS IN VIOLATION OF LAW	008-026-032
		ELECTION-ATTEMPT INFLUENCE	017-001-007(B)
		ETHICS-VIOLATION PA	036-025-007A
		FALSE OATH	017-012-006
		FALSE STATEMENT IRS	040-029-115
		FALSE STATEMENT STATE TAX	040-029-115(A)(1)
		GAMBLING-ELECTRIC BELLS	13A-012-050
		HINDERING PROSECUTION 1ST	13A-010-043
		ILL COMM CRIMINAL RECORD INFO	041-009-601
		ILLEGAL VOTING	017-023-001
		IMPERSONATE PEACE OFFICER	13A-010-011
		INFLUENCE VOTER-BRIBE	017-023-003
		INTIMIDATING A WITNESS	13A-010-123
		INTIMIDATION OF A JUROR	13A-010-127
		KILLING POLICE DOG	13A-011-015
		MAKING TERRORIST THREAT	13A-010-015
		OBTAIN CRIM REC FALSE PRET 1ST	041-009-601
		PERJURY 1ST	13A-010-101
		PREVENT/PERJURE TESTIMONY	012-016-217
		REVEAL EVIDENCE-GRAND JURY	012-016-215
		REVEAL EVIDENCE-GRAND JURY	012-016-216
		UNLAW PRINTING OF STATE ID	13A-010-013
		UNLAWFUL VOTER REGISTRATION	017-004-139
		VIOL/COMPET BID LAW	041-016-055
<b>Class C</b>	<b>Offenses Against Order and Safety</b>	ABUSE OF CORPSE	13A-11-13
		ALT/FORG/SEL/COUNT INSUR CARD	032-07A-015
		ATTENDING DOG FIGHT	003-001-029(B)
		BAIL JUMPING 1ST	13A-010-039
		BIGAMY	13A-013-001
		BURNING A CROSS OR AMERICAN FLAG	13A-006-028
		COM NOTIF-OFFENDER NAME CHANGE	015-020-022(I)
		COMMUNITY NOTIFICATION ACT	015-020-024
		CONS-LAND-INTENT TO SET FIRE	009-013-011
		CONSPIRACY - ESCAPE 1ST	13A-004-003
		CONS-WILFUL SET FIRE TO BRUSH	009-013-011(A)(1)

<u>Class</u>	<u>Category</u>	<u>Offense Literal</u>	<u>Criminal Code</u>
		DISRUPTING A FUNERAL PROCESSION - 2ND OR SUBSEQ	ACT 2006-585
		DOG FIGHTING	003-001-029
		DOG/CAT CRUELTY 1ST	13A-011-241(A)
		EAVESDROPPING DEVICE-INSTL	13A-011-033
		ESCAPE 2ND	13A-010-032
		ESCAPE 3RD	13A-010-033
		ESCAPE EXTENDED CONF	015-018-121
		EXPLOSIVE-CRIMINAL POSS	13A-007-044
		FAIL FILE ACCIDENT REP W/INJ/DEATH	032-010-005
		FALSE INFO PISTOL PERMIT	13A-011-081
		FALSE REPORT INCIDENT-BOMB/EXPS	13A-011-011
		FIREARM-POSS/SALE SHORTBARRELL	13A-011-063
		FRAUD IN SALE SECURITIES	008-006-017(A)(1)
		FRAUD UNDER SECURITIES ACT	008-006-018
		GAMBLING-PERMITTING	13A-012-053
		HAZARD WASTE CONTROL	022-030-019E
		HOG AND CANINE FIGHTING - 2ND & SUBSEQ	ACT 2006-353
		HOMEREPAIR FRAUD - 2ND & SUBSEQ	ACT 2006-580
		INTERFER W/CUSTODY	13A-006-045
		MAIM TO OBTAIN ALMS/ESC DUTY	13A-014-001
		MAKING FALSE STATEMENTS	13A-011-124
		MUTILATION OF CORPSE	13A-007-023.1(B)
		OMMISSION/MISREP SALE SECURITIES	008-006-017(A)
		PARTICIPATION-DOG FIGHTING	003-001-029(A)
		PASSING A SCHOOL OR CHURCH BUS - 4TH OFFENSE	ACT 2006-311
		PERMITTING/AIDING ESCAPE 1ST	13A-010-034
		PERSONS FORBIDDEN-FIREARM	13A-011-072
		POSS FIREARM W/ALTERED ID	13A-011-064(2)
		POSSESSION/USE ARSON DEVICE	009-013-011(A)(2)
		PRACTICING MIDWIFERY W/O LICENSE	034-019-003
		PROHIBITED ACTS SALE SECURITIES	008-006-017
		PROMOT PRISON CONTRABAN 1ST	13A-010-036
		PROMOT PRISON CONTRABAN 2ND	13A-010-037
		REGISTRATION OF ATHLETE AGT RE	008-026-004
		RENDERING FALSE ALARM 1ST	13A-010-008(A)
		RIFLE/GUN WALKING CANE	13A-011-054
		SECURITIES-UNREGISTERED	008-006-003(A)
		SELL UNREGISTER SECURITIES	008-006-004
		SEX OFFENDER NOTIFICATION - CHANGE OR RESIDENCE/EMPLOYMENT	015-020-023
		SEX OFFENDER NOTIFICATION - FAIL TO PROVIDE DECLARATIONS	015-020-022
		SEX OFFENDER NOTIFICATION - FAIL TO REGISTER	13A-011-200
		TAKING OR POSS OF ALLIGATORS	009-012-211
		TEFLON AMMO-COMM OF FELONY	13A-011-060(C)
		TEFLON AMMO-POSS/SALE	13A-011-060(A)
		THEFT/DIST CULTURAL RESOURCE	041-009-297
		UNAUTH USE ID/RECEIVE	13A-008-086
		UNLAWFUL ACT 3/CONVICTS	014-011-011
		WOMAN'S RIGHT TO KNOW (3RD&SUBSEQ)	026-023A-001

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Capital Litigation Division  
Constitutional Defense Division  
Consumer Affairs  
Criminal Appeals Division  
Investigations  
Legislative Affairs  
Medicaid Fraud Division  
Opinions Division  
Public Corruption & White Collar Crime  
Public Information  
Violent Crimes Division

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